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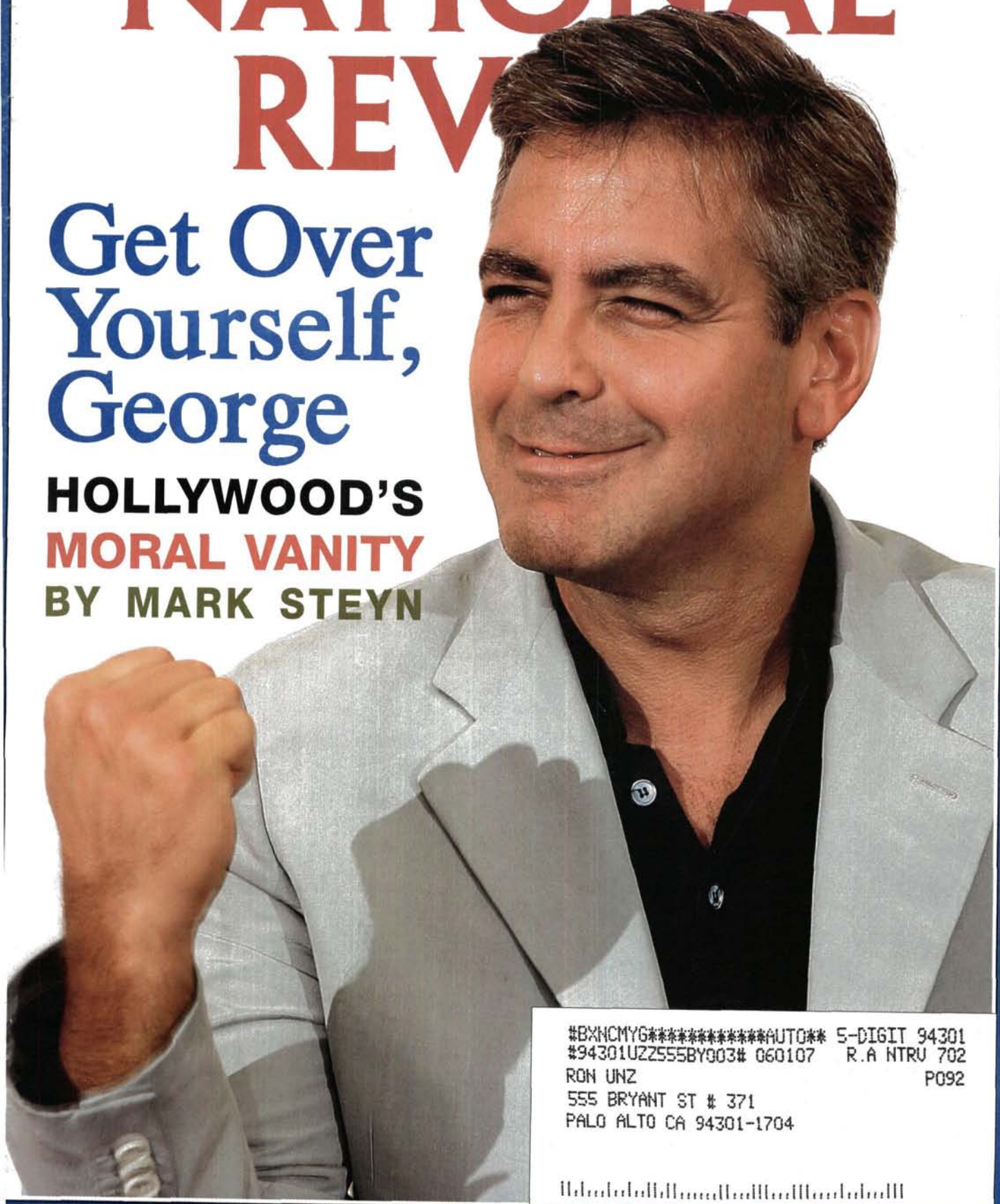
Dalrymple, Goldberg, The Editors on the 'Cartoon Riots'

# NATIONAL REV

## Get Over Yourself, George

### HOLLYWOOD'S MORAL VANITY

BY MARK STEYN



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FEBRUARY 27, 2006 VOL. LVIII, NO. 3

# NATIONAL REVIEW

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■ COVER STORY

## Phoney Baloney

George Clooney's triple Oscar nominations for acting, writing, and directing are said to be a significant moment in the life of the nation, and not just by George Clooney, though his effusions on his own 'bravery' certainly set a high mark. *By Mark Steyn*

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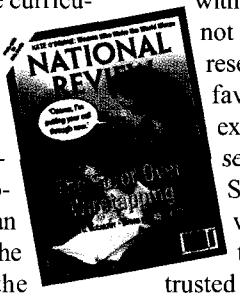
# letters to the editor

### WHERE THE GIRLS ARE

George Gilder makes some interesting points about men and higher education in "The Idea of the (Feminized) University" (Dec. 31), but his conflation of two different meanings of the term "feminized" results in a baffling conclusion. "Why would any self-respecting boy want to attend one of America's increasingly feminized universities?" he asks bitterly, in opening. The answer, he writes, is that many don't, in part because the curriculum has taken a dramatic turn from manly pursuits like "engineering and mechanics." This feminization, in turn, leads to his second type of feminization: There are many more women than men attending American universities today. But what if the causality actually flows in the other direction? Mr. Gilder never teases that apart, and instead I'm left scratching my head, wondering if it's at all likely that a teenage boy, in the prime of his youth, would examine university curriculums across the land and say, "This isn't manly enough for me: I shall instead go toil in the fields!" Considering my experience visiting the "feminized" University of Georgia, where 56 percent of the students are women, I find that very unlikely. Perhaps the answer to the first question Mr. Gilder posed is so self-evident that he missed it.




*John Wilson*
*Atlanta, Ga.*

### INDENTURED SERVITUDE?

In Andrew C. McCarthy's recent article on the dispute over the Foreign Intelligence Surveillance Act and executive power ("How to 'Connect the Dots,'" Jan. 30), he writes about a Congressional Research Service (CRS) report that "casts doubt on the administration's core [legal] contentions." McCarthy dismisses the report in part by noting that the "media have treated the report as bearing special weight because the CRS is a nonpartisan entity. But that does not mean the CRS is *objective*. 'The sole mission of CRS,' it explains on its website, 'is to serve the United States Congress.'"

As a private citizen employed by the CRS, I offer a few observations. First, McCarthy ignores a rather important fact: Like representatives, judges, and the president, civil servants at the CRS take an oath to uphold the *Constitution*—not the policy proclivities of Congress (see Article VI of the Constitution).

Second, McCarthy's chain of logic is fallacious. Yes, the CRS exists to serve Congress by providing research to assist with its work. But one simply cannot conclude from this that all research by the CRS, ipso facto, favors the legislative over the executive branch. That's like asserting that federal judges and Supreme Court justices, by virtue of being employed by the judicial branch, cannot be trusted to render objective decisions in separation-of-powers cases involving the powers of the judiciary.

To be fair, McCarthy does address the merits of the CRS report after his initial attack, but that introductory dismissal is off base, implying as it does that Congress is of one opinion on issues—and that the CRS then churns out supporting research. Congress is undoubtedly not in agreement on most subjects: Just witness the debate among members over the aforementioned CRS analysis.

*Kevin R. Kosar*
*Washington, D.C.*

ANDREW C. MCCARTHY REPLIES: As a federal prosecutor, I took a similar oath, yet it was a large part of my job to defend the executive branch's turf; that's the way the system is designed to work. Mr. Kosar's example of the judges is an ironic one: Judicial power has grown exponentially precisely because the judiciary seized the initiative in inter-branch disputes (which is how it won the prerogative to determine the constitutionality of statutes, something not provided for in the Constitution). The CRS may well strive to call things down the middle; but it is an arm of Congress, and being bipartisan does not make it objective when a dispute is at heart inter-branch, not inter-party.



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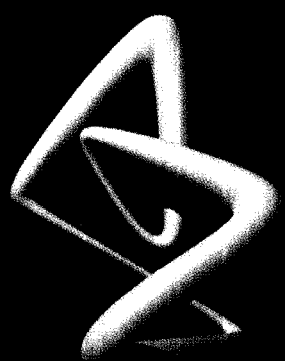

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# THE WEEK

■ Saddam Hussein has sued President George Bush—and Prime Minister Tony Blair, to boot. Apparently the critics are right: America *has* imposed its values on Iraq.

■ Let's hope the veneer of change counts for something. House Republicans elected Rep. John Boehner of Ohio their new majority leader. He benefited from a desire within the conference for a break with the DeLay leadership team, with which acting majority leader Roy Blunt of Missouri was identified. Blunt now continues as majority whip, the third most senior spot in leadership. The candidate NR endorsed, John Shadegg of Arizona, finished third on the first ballot, and most of his supporters then swung behind Boehner on the second ballot, securing his surprise victory. Boehner ran on a platform of reform, but his attraction to many members clearly was that they could trust him not to bring too much of it. He has already backed off Speaker Denny Hastert's proposal for a total ban on private travel, reflecting his conference's attachment to that perk (see below). More important are the changes to the spendthrift-friendly 1974 Budget Act proposed by young Turks Paul Ryan and Jeb Hensarling. Boehner has lowered expectations on that front, too, suggesting that perhaps something can be done in the next few years. Boehner will now face an assault by the press on his K Street ties. Meaningful reforms, and a recommitment to conservative principle, would be the surest evidence that K Street donors and their allies don't have undue influence on Capitol Hill.

■ "We can't lock members up in a cubbyhole here in Washington and never let them see what's going on around the country and around the world," says Boehner, attempting to justify lobbyist-paid trips for congressmen. These trips are apparently important enough that they have to be taken, but not so valuable that taxpayers will be willing to foot the bill. The truth is that congressmen are rarely as insulated from reality as when they take lobbyist-paid junkets. Boehner does not believe that lobbyists should be able to take congressmen out to expensive dinners, but is willing to countenance their taking them on vacations—doubtless because Republican congressmen are more wedded to their trips than to their meals. The fact that they want to keep this perk so badly suggests that it is, indeed, corrupting.

■ Lincoln Chafee of Rhode Island is the most liberal Republican in the Senate. He has opposed the Bush administration—and conservatives—on Iraq, tax cuts, oil drilling, abortion, and gay marriage. Some of this is to be expected, as Rhode Island is about the farthest thing from a red state there is (Kerry won it by 21 points). Even so, Chafee's opposition to the confirmation of Samuel Alito is so outrageous that Ocean State Republicans should refuse to support his reelection this year. They have a viable alternative: Cranston mayor Steven Laffey, who is challenging Chafee in the GOP primary. Laffey has a record of attracting Democratic voters but is a genuine conservative who has won the Club for Growth's endorsement. The National Republican Senatorial Committee, which has a policy of supporting incumbents, insists that Chafee is the only Republican who can win in Rhode Island. That may or may not be true, but in any case it isn't clear how much the GOP actually gains by keeping Chafee in the Senate. When his vote matters, he can't be counted on—and there is every reason to believe that, if Republicans were reduced to a one-vote majority, he would bolt the party like James Jeffords before him. It's time to make Lincoln history.

■ The unemployment rate dropped to 4.7 percent, the lowest rate in four and a half years. From November through January, the economy created a healthy 230,000 new jobs each month. (Since May 2003, 5 million jobs have been created.) These numbers were bad news for pessimists, who had seized on the weak (1.1 percent) economic growth for August through October to support their case. As painful as it may be for some to admit it, the economy is doing pretty well.

■ Julian Bond, the chairman of the NAACP, gave a typical speech at Fayetteville State University in North Carolina. Of the Republican party, he said, "Their idea of equal rights is the American flag and the Confederate swastika flying side by side." Ho-hum. We would write that Bond was "once respected," and that the NAACP was, too. But we have written that many times, and we are tired. The NAACP has had more chances—and more understanding—than it deserves. It apparently wants to be a left-wing hate group, not much different from MoveOn.org. If Julian Bond and the NAACP represent American blacks, then these Americans have much worse problems than generally supposed.

■ In his State of the Union address, Bush declared America addicted to oil. The word "addicted," of course, is morally loaded, implying an unhealthy and irrational dependence. But since oil provides the cheapest and most efficient way to power automobiles, our use of it is natural and sensible. Bush isn't proposing any far-reaching proposals to deal with this newly diagnosed condition. His new Advanced Energy Initiative, which is charged with figuring out how to make fuel from wood chips, is redolent of all the past, failed federal initiatives to find alternatives to oil and to gas-powered cars. Who can forget the glories of President Nixon's Project Independence? Or Carter's Synthetic Fuels Corporation? As for the geostrategic rationale for Bush's policy, it too is dubious. The top oil exporters to the U.S. are our nonthreatening neighbors, Canada and Mexico. This is why Bush singled out



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# THE WEEK...

Mideast oil. Assuming he's fine with oil from U.S. allies Kuwait and Iraq, that leaves half-ally Saudi Arabia as a disfavored exporter. But whether we buy its oil or not, the kingdom is going to sell massive amounts of it on the world market. One theory holds that declining oil prices driven by reduced U.S. consumption will undercut undemocratic governments in the Middle East, but these governments proved durable even when prices plummeted in the mid-1980s, and some of them aren't oil states (Syria, Egypt, the Palestinian Authority). Bush's addiction line is a rhetorical feint to the center, leading nowhere.

■ For years, Republicans have treated health care as a "Democratic issue" to pay attention to only when necessary. Slowly it has dawned on them that it is always necessary. Our current health-care policies generate constant problems that, in turn, generate support for further government activism. With relatively little fanfare, President Bush has come out for a free-market alternative to this path. He has several promising ideas. One, borrowed from Congressman Shadegg, is to let individuals buy insurance policies from other states, and thus leapfrog over their own states' regulations. Another is to make out-of-pocket health expenses deductible. That step would reduce the tax code's bias toward insurance that covers routine medical expenses that would be more efficiently paid out of pocket. The major criticism of these ideas is that they threaten the status quo in the insurance market and the regulatory world—which sounds to us like a recommendation.

■ They're revising the estimates of how much the new Medicare prescription-drug benefit will cost—revising them, amazingly enough, downward. Last year, program administrators estimated that the drug benefit would cost the federal government $38 billion in 2006. Now they think it will cost $31 billion. The cost estimate for 2006 through 2015 has also dropped, from $926 billion to $797 billion. State governments are saving money, too. The administration says that the lower cost estimates are evidence that its plan to have companies compete to deliver benefits is working. But there are several caveats. The program has just begun, and estimates could go back up. Whatever the numbers, we have not figured out how we are going to pay the bill for Medicare over the next ten years, let alone past then. And there are already calls for legislation to expand the benefits. The new estimates are good news, but not quite enough reason to bust out the champagne.

■ Congress approved $40 billion in spending restraint. Most of the savings came from projected growth in Medicare and Medicaid. It was a tough, tight vote, especially in the House. But it set a precedent that will, we hope, make it easier to achieve restraint on entitlement spending in the future. President Bush is trying to build on the success. His budget for next year proposes to increase spending on defense and homeland security while slightly reducing all other federal spending. It's the kind of prioritization that we have been waiting for since the War on Terror began. If Bush makes a serious effort to get this budget through Congress, he will deserve great credit.

■ When President Bush called, in the State of the Union address, for a ban on "human-animal hybrids" in addition to a ban on cloning, most listeners were baffled. Not people who have been following the research. Biotech researchers have been blurring the boundaries between human and animal life for some time now. Some of the research is unobjectionable and even laudable. If hormones helpful to humans can be produced by injecting human cells into animals, then it should be done. To create new types of organisms that are part animal and part human, on the other hand, would be injurious to human dignity (and potentially to human rights). Scientists in Britain and China have tried to create human-rabbit hybrid embryos for research purposes. In America, there have been efforts to patent human-animal hybrids. Other countries, such as Canada, have banned hybrids. We hope Congress will honor the president's request—because if Congress can't ban human-animal hybrids, it's hard to see how the biotech industry could be meaningfully regulated at all.

■ An enterprising Louisiana man has filed a class-action lawsuit against Apple, the maker of the iPod. Strangely enough, blaring loud music directly into your ear for long periods of time can cause a loss of hearing. Apple, no doubt wary of our litigious society, already includes with its iPods a warning to this effect. The problem is, as the complaint eloquently put it, "[The iPods] are not *sufficiently* adorned with *adequate* warnings regarding the likelihood of hearing loss" (emphasis added). Safe earphones are demanded, as well as compensation. Legal precedent favors the prosecution, at least on the earphone bit—in 2002, France required Apple to limit the output of iPods to 100 decibels. Another class-action suit should be filed, against the lawyers who encourage absurdities like this.

■ Ibn Warraq is the nom de plume of a Pakistani Muslim living in the United States and writing about Islam as he sees it. He has been circulating a passage from Beaumarchais's play in 1784, *The Marriage of Figaro*, adapted by Mozart for his opera. Beaumarchais might have been commenting on the Danish cartoons of today : "I cobble together a verse comedy about the customs of the harem, assuming that . . . I can say what I like about Mohammed without drawing hostile fire. Next thing, some envoy from God-knows-where turns up and complains that in my play I have offended the Ottoman empire, Persia, a large slice of the Indian peninsula, the whole of Egypt, and the kingdoms of Barca [Ethiopia], Tripoli, Tunisia, Algeria, and Morocco. And so my play sinks without trace, all to placate a bunch of Muslim princes, not one of whom, as far as I know, can read but who beat the living daylights out of us and say we are 'Christian dogs.' Since they can't stop a man from thinking, they take it out on his hide instead."

■ Among the legislators elected to the Palestinian parliament is 56-year-old Mrs. Mariam Farhat, mother of three. Of three terrorists, that is—or rather ex-terrorists, since all three sons died for the cause. One was a suicide bomber, who murdered five seminary students in a raid on an Israeli settlement in Gaza.



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# THE WEEK...

Mrs. Farhat prepared young Muhammad (he was 17) for his mission, and made a videotape of his departure. "I wish I had 100 sons like Muhammad," Mrs. Farhat declares on the tape, "so I could sacrifice them all for the sake of God." Another son was blown up in a bomb factory, the third was killed by an Israeli missile while driving a bomb-laden car. Naturally Mrs. Farhat is a heroine among Palestinian Arabs. With becoming modesty, she allows that not everyone can be expected to attain her own high standards of social responsibility. "It is not only sacrificing sons," she said at a victory rally held on—what else?—a university campus. "There are different kinds of sacrifice, by money, by education . . ." Mrs. Farhat's style of sacrifice is only the noblest and best, you see. "Peace process," anyone?

■ When the International Atomic Energy Agency referred Iran to the U.N. Security Council over its nuclear program, the mullahs responded by barring snap IAEA inspections and announcing their intention to resume large-scale uranium enrichment. The Iranian defense minister, meanwhile, warned that "any attack against Iran's peaceful nuclear facilities will meet a swift and crushing response." Such bluster is no doubt motivated in part by a perception that the West is irresolute. How else could the West be perceived after three years of fruitless negotiations designed more to avoid confrontation than to win concessions, ongoing signals from European diplomats that sanctions won't be imposed anytime soon, and agreement among the Security Council's permanent members to postpone debate on Iran until at least March? Perhaps the Security Council will surprise us by living up to its name and confronting Iran seriously. But America and its allies need to keep other options on the table.

■ When New York transit workers recently went on strike, leaving thousands of commuters without a means of getting to work, they met with plenty of grumbling but nothing more. In a liberal democracy, after all, you can't call out the riot police to break up picket lines. How much simpler things are in Iran. When bus drivers there staged their own strike, many were arrested, along with leaders of their syndicate, some of the leaders' wives, and a handful of student activists who wished to join the drivers' demonstrations. Some of those

# Speech Impediment

BECAUSE there is nothing a free press likes to kvetch about more than freedom of the press, the American media have become fixated on the dumbest part of the Danish-cartoon brouhaha: the "right" of a newspaper to publish offensive material. This is an incandescently stupid topic to concentrate on. Not because freedom of the press isn't important, but because we already know everyone in America believes in it. Imagine if coverage of the Tiananmen Square protest had been dominated by long debates about the freedom of assembly, and you get a sense of what I mean.

Part of the confusion stems from an odd intersection of conservative and liberal political correctness. Some conservatives adhere to the commandment "Thou shalt never bash religion." And the spines of a great many liberals—who regularly bash religion in America—suddenly turn to sausage when it comes to offending the sensibilities of non-Western cultures. So freedom of the press is a nice safe harbor that allows everyone to trot along condemning the overreaction to the cartoons on First Amendment grounds. "I may disagree with what the Danish newspapers say, but I will defend to the death their right to say it." This is nothing more than clichéd preening.

The problem is that, while the cartoons themselves were pretty mediocre, the content was fundamentally accurate. Oh, I don't mean that Muhammad is up in heaven—that's certainly not what Dante tells us—turning away suicide bombers because they're fresh out of virgins. But the larger message of the cartoons is obvious for everyone: Islam's got a huge problem and a massive chip on its shoulder. The cartoons were intended to demonstrate that, and they succeeded.

Obviously, this is a sweeping generalization and there are plenty of moderate Muslims who are mortified by all those who call for beheadings and massacres. But the concentration on the specifics of these cartoons, and even the cries of "hypocrisy" aimed at reams of violently anti-Christian and anti-Semitic fare in the Arab world, miss the larger point: This is a cultural conflict, a clash of civilizations if you will. Whenever you have such contests, there will be specific issues aplenty to debate and discuss. If it hadn't been the cartoons, it would have been—and will undoubtedly be—something else. Just as it's easier to talk about the lack of affirmative action in France as the source of the Paris riots, we find it easier to argue about trees rather than forests.

The West needs to get over its panty-twisting paroxysms of guilt every time it sees a riot. "The street" is not a source of moral authority and never has been. If, as the news reports, some clerics really believe that the editors and cartoonists of *Jyllands-Posten* should be beheaded or have their hands cut off, we need to reacquaint ourselves with the attitude of the British general Charles James Napier. Assigned to British-controlled India, Napier was told he just didn't understand that wife-burning was a revered custom in India. He responded, in effect, that he understood completely. "My country also has a custom," he said. "We hang people who burn women." He proposed building the gallows next to the pyre. The wife-burning stopped.

In our culture, we don't put up with violence and arson in response to speech. We're a funny people that way.

—JONAH GOLDBERG



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# THE WEEK...

who were arrested have since been released; others remain jailed. The State Department has condemned the regime's actions, as has AFL-CIO president John Sweeney—with whom, if only this once, we wholeheartedly agree.

■ Google announced that its search engine would be made available to China's 100 million users with restrictions on politically sensitive terms and websites mandated by Beijing. China's efforts to build a great wall around the Internet are probably vain in the long run, for though you can block the threats you know, you cannot block the threats you don't. (Czarist censors kept *The Wealth of Nations* out of Russia, while passing *Das Kapital*.) But the paradox of ignorance works both ways: Clever and determined Chinese will circumvent the barriers, but what about ordinary ones? In the short run of a normal human life, millions of Chinese will be impeded; others will be arrested (Shi Tao, a journalist critical of human-rights abuses, was tracked down with the help of Yahoo!, according to Reporters Without Borders). Web users disgusted with Google's kowtow can switch to engines such as Clusty and IceRocket, which promise not to censor. And when the files of the failed Chinese state become available decades hence, how will the Internet titans look?

■ The Czech Republic and Cuba have long had a special relationship—from Vaclav Havel down, Czechs have taken an extraordinary interest in Cubans' suffering and unfreedom. (Jay Nordlinger wrote about this in our March 14, 2005, issue. The article was called "Solidarity, Exemplified.") This special relationship was glimpsed again when Helena Houdova was arrested in Havana. Miss Houdova is a supermodel, and was Miss Czech Republic in 1999. In addition to being a beauty, she does beautiful things: She raises money for handicapped children all over the world. In Cuba, she was taking pictures of a slum (the type of environment that Castro and his apologists say is impossible). Along with a companion, psychologist Mariana Kroftova, she was arrested. Said the supermodel later, "The revolution's watchmen rose up because I was taking pictures of something they do not like." The two women were detained for eleven hours, during which time they were forbidden to contact the Czech embassy. They were released when they signed a pledge not to participate in any "counterrevolutionary activities." Their film was confiscated, but Miss Houdova managed to hide the memory card of her digital camera in her bra. The photos will be displayed later. Miss Houdova reported, "They screamed at us," and "they even shouted that we were terrorists." She also said, "We grew up under Communism and know what it's like." That's why Czech celebrities in Cuba don't act like American celebrities in Cuba.

■ Oprah Winfrey, who had made James Frey's lying memoir of addiction and recovery, *A Million Little Pieces*, a best-seller, hauled him on television to confront him with his deceptions and apologize to her fans. Winfrey initially stuck by Frey after his story unraveled; in so doing, she said, "I left the impression that the truth does not matter. And I am deeply sorry about that, because that is not what I believe." Frey stammered, and slunk off with his ill-gotten millions. Oprah flayed Frey's publishers for not checking his work, but surely she herself could look askance at some of the self-help sagas she promotes. Still, she is a force for mass literacy, and one of the few public figures with the clout to deliver a rebuke and the gumption to issue an apology.

■ One of the more fanciful dreams we at NR sometimes have—right after the one about immigration reform—is that some Hollywood bigwig will make a movie about the real Che Guevara, something different from the cloying mess that now passes for the Che biographic canon: a film about the murderous thug whose tenure as Cuba's chief executioner saw the death of thousands, often by Guevara's own hand. Steven Soderbergh's *Che*, which just started filming with Benicio Del Toro as lead, looks to be yet another disgusting paean. Unlike *The Motorcycle Diaries*, about Che's youthful journeys across South America, *Che* will be a "war movie" about the Cuban revolution and further exploits in Bolivia (where Che was caught and killed). And for only the second time, the United Nations has allowed its hallowed halls to be used in a film, to reenact Che's 1964 U.N. speech (in which he railed against U.S. imperialism and likened Western civilization to a "picture of hyenas and jackals"). Quoth Soderbergh: "[Che]'s a very complicated subject, because he's one of the few figures that holds up the more you scrutinize him." As we said, a fanciful dream.

■ Art imitates life. Life: A majority of Americans say they won't vote for Hillary Clinton for president. She's failing to connect with audiences, as her dialogue clanks to the floor (e.g., her recent "plantation" gaffe). "Art": Geena Davis, who plays a Hillary-esque president in the ABC series *Commander in Chief*, is having the same problem. Hailed as a heroine for "kick-patriarchy's-ass fantasists" by Naomi Wolf, Davis nevertheless finds herself in the doldrums. The relentlessly hyped conceit of a woman in the West Wing attracted high early ratings, but ultimately the only people who could sustain their enthusiasm were those, like Wolf, more interested in the idea than in the entertainment. ABC recently announced that it was taking *Commander-in-Chief* back into the shop for an overhaul. The network says that when the show returns it will be more popular than ever.

## SOME WOODSHED

*As the Russians broadly winked*
*While the Chinese slyly clinked*
*Plum-wine glasses, Iran got*
*Hauled before the U.N.—not*
*Like Calcutta's hole, but hey,*
*Europe did its best, OK?*
*Please don't mention "other means."*
*France throws up; the rest make scenes.*

—W. H. VON DREELE

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Hmm. Well, they could always replace Geena Davis with Paris Hilton.

■ And what if George Clooney got an Oscar (or three)? There are few better ways of derailing somebody's career than handing him a statuette. In 2002, Halle Berry won a Best Actress Oscar—and then made a superhero movie called *Catwoman* that squandered all the credibility she had garnered from her Academy Award. Adrien Brody followed up his win for *The Pianist* by playing a guy tormented by a time-traveling sport coat in *The Jacket* (no, we're not kidding). The director James Cameron won for *Titanic* and then vanished. So if you want Clooney to pay for the self-congratulatory political tripe he's been peddling—as an actor in *Syriana* and as the director/producer/co-writer of *Good Night, and Good Luck*—maybe you should pray he wins something. Then he might go away. Or star in the big-screen version of that great D.C. comic character, *Matter-Eater Lad.*

■ The Left's civility was on display upon the release of Kate O'Beirne's new book, *Women Who Make the World Worse.* Rather than address O'Beirne's arguments, left-wing bloggers directed their readers to visit her Amazon.com page and write one-star (i.e., very negative) reviews in an attempt to artificially lower the book's rating. One blogger wrote: "Go on over there. Get yourself an Amazon account if you don't have one and write yourself a review of Ms. O'Beirne's book. You can sign your review with an Amazon 'pen name' if you don't want to be spammed with conservative hate-dreck. The goal is to ensure that Ms. O'Beirne's book has a one-star rating so no one will go out and buy it who would not have already done so." The bloggers who led this "sacking" proudly proclaimed their ignorance ("I haven't read her book. I *wouldn't* read her book"), so naturally the resulting reviews on Amazon did not rise above the level of, well, liberal hate-dreck. At the end of each review, Amazon asks, "Was this review helpful to you?" in order to rank that review's importance. These reviews were very helpful—in illuminating how the Left, unable to win an honest debate, will resort to a technological book-burning instead.

■ The Eric Breindel Award for Excellence in Opinion Journalism is given once a year, by the News Corporation. It goes to a journalist who exhibits "love of country and its democratic institutions" and "bears witness to the evils of totalitarianism." The award is worth $20,000. Previous winners include Jay Nordlinger and Victor Davis Hanson. In addition, the News Corporation has established an award for undergraduate journalism, worth $10,000—same principles apply. For more information, please contact Germaine Febles, at (212) 843-8031, or gfebles@rubenstein.com. The deadline for each award is April 21.

■ Staccato phrases, all caps; twisted locutions—everything punctuated by the ubiquitous STOP, which meant a period, but


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# THE WEEK...

also said, *Stop and read this!* Samuel F. B. Morse's telegraph was man's first experience of simultaneity, knowing distant events as soon as they happened; the Western Union telegram offered mass access to that experience. Telegrams announced births, deaths, revolutions, and jokes (the reporter, newly arrived in Venice, wired his editor that the streets were full of water, ADVISE). Long-distance telephone service began to kill telegrams—the shifting fortunes of the Spanish Civil War in the opening pages of André Malraux's *Man's Hope* are conveyed by telephone—and the Internet laid the feeble ghost. On January 27, the Western Union telegram STOPPED.

■ Betty Friedan's 1963 hit, *The Feminine Mystique*, was part an expression of a Smith girl's ambition, yearning for the life her education had accustomed her to expect. Another part was leftie rabble-rousing; Friedan had attended the Progressive party convention in 1948. The most potent part was that free-floating Sixties dread of inauthenticity, as suburbanites channeled beats and bohos. Friedan cofounded NOW in 1966, her book sold more than 3 million copies, millions of women went to work, millions of fetuses were killed, old jokes were driven underground, older pronouns were threatened, one woman ran for vice president while two others became secretary of state. In 1981 Friedan published *The Second Stage*, urging feminists not to become a lesbian lobbying group, but by then the horse had long left the barn: The feminist hard core were cranky queers, who had lost control of the forces they had unleashed. In her later years Friedan accused her former husband of beating her, charges he strenuously denied. She died on her 85th birthday. R.I.P.

■ Coretta Scott King was the Martha Washington of the civil-rights movement, famous mainly for the accomplishments of her husband but also admired in her own right. In stark contrast to the charlatans who sought to succeed Martin Luther King Jr. as spokesman for black America—namely Jesse Jackson and Al Sharpton—she carried herself with quiet dignity even as she pursued a conventionally liberal political agenda. In the aftermath of the 2000 presidential election, when false charges of voter suppression and racism were in the air, a lesser figure might have boycotted the inauguration of President Bush. Instead, she personally congratulated him after he took the oath of office. Conservatives and liberals alike could agree with Bush when he described her in his State of the Union address as "beloved, graceful, courageous." R.I.P.

**ISLAM AND THE WEST**

## Culture War

DID you hear the one about the priest, the rabbi, and the imam? You won't, if Islamist goondom has its way.

Last fall, *Jyllands-Posten*, a Danish newspaper, ran twelve satiric images of the prophet Muhammad. They were a response to the climate of fear created by European Islam: The author of a Danish children's book had been unable to find artists willing to draw illustrations of Muhammad, lest they provoke Muslim iconoclasts. On a continent where the Dutch filmmaker Theo van Gogh was murdered by a jihadist, and Dutch politicians, including the Somali-born Ayaan Hirsi Ali, must live in protective confinement, such fears were well-grounded.

The idea that Muhammad may not be represented is only one slice of the spectrum of Muslim opinion; Quakers do not express the Christian consensus on religious art. The imageless Quakers, of course, have never threatened anyone with murder. This is the sanction that Islamists invoked against *Jyllands-Posten*, which was deluged with death threats, and Denmark itself, whose flag and consulates were burned throughout the Muslim world.

Decent men normally go out of their way to avoid giving offense, especially where religion is concerned. *Piss Christ*, the Dung Madonna, Lenny Bruce are countercultural phenomena. If public money is used to sponsor desecrations, then taxpayers have a legitimate gripe. Demonstrations aimed at tangible communities, as when American Nazis threatened to march through the Jewish neighborhood of Skokie, Ill., almost 30 years ago, may raise questions of public order. But no free society concerns itself with opinions that one may read or not, as one likes. The pious honor the freedom that allows them to worship, and welcome it as the political expression of the respect due to men made in God's image.

*The 'outpouring' of Muslim wrath was the deliberate pouring of radical activists. How many Danish flags are normally available in Gaza, or Jakarta?*

The "outpouring" of Muslim wrath was the deliberate pouring of radical activists. How many Danish flags are normally available in Gaza, or Jakarta? Islamists magnified the offense by circulating the Danish cartoons with three truly gross, but invented, ones (e.g., Muhammad as a pig). In order to protest blasphemy, the Islamists committed it. Bill Clinton, conference-hopping in Qatar, condemned *Jyllands-Posten*. "So now what are we going to do?" Clinton said. "Replace the anti-Semitic prejudice with anti-Islamic prejudice?" Clinton's evocation of anti-Semitism was particularly inapt, since Arab media regularly churn out floods of anti-Jewish filth, including TV series based on *The Protocols of the Elders of Zion*. In the Muslim world, everything depends on whose sacred cow is being gored.

Muslim fanatics—those who aspire to be dictators, and those who already are—have ginned up the controversy in order to gain power, or to keep it. They play to the dull acquiescence of too many ordinary Muslims. But by no means all Muslims are implicated in this shameful episode. Grand Ayatollah Sistani, leader of Iraq's Shiites, "denounce[d] and condemn[ed]" the cartoons, but also blasted "misguided and oppressive" Muslims who have "exploited" the issue "to spread their poison and revive their old hatreds with new methods and mechanisms." When President Bush declared, in his State of the Union address, that "liberty is the future of



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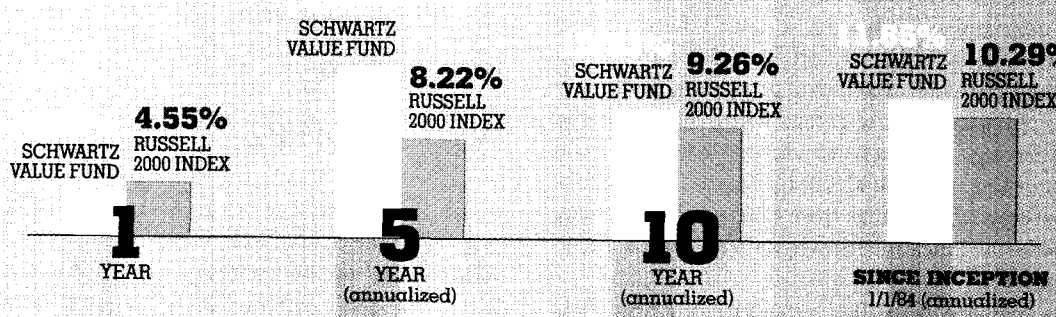


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every nation in the Middle East, because liberty is the right and hope of all humanity," it was Sistani and millions of Muslims, in Iraq and elsewhere, who agree with him, that he had in mind. The game for Muslim opinion is a tough one. But it will surely be lost if we forfeit.

**THE PALESTINIAN AUTHORITY**

## Clarity

HAMAS has defeated Fatah in the Palestinian elections, and nobody can be sure what happens now in that unhappy corner of the world. Give them the vote, pessimists groan, and look how they use it: to put into power terrorists whose program is to team up with the crazies in Iran and wipe out Israel. It would have been better to cancel the election altogether, they continue, or at least to forbid Hamas from running. So the peace process is over—the Palestinians evidently prefer suicide to constructing a state.

Polls in fact regularly show that a majority of Palestinians are fed up with self-inflicted misery and would choose peace with Israel if they could. They know that Fatah also practices terror, and in that respect is no different from Hamas. The election was not fought on any grounds of anti-Israel strategy. Fatah lost because Yasser Arafat and his cronies ran a mafia for almost 40 years, ruling with the gun in order to enrich themselves exclusively under cover of empty nationalist slogans. At the time of his death, Arafat's fortune is estimated to have been several billion dollars, all of it gouged from American and European taxpayers or brother Arab tyrants.

In such crooked circumstances, even the most meager form of civil society never stood a chance. Moving into the void, meanwhile, Hamas has been carefully building a grassroots civil society, offering health and education and at least the façade of honesty. Succeeding Arafat, Mahmoud Abbas and his corrupt cronies continued to drive to expensive villas in Mercedes-Benzes with bodyguards, as though they could carry on regardless. They deserved to lose.

Hamas loves to decry President Bush as "the enemy of God" and "the enemy of Islam," and to issue bloodcurdling threats against Israel. Rhetoric apart, it is in a weak position, so weak indeed that its spokesmen in Gaza, Damascus, and Cairo keep contradicting one another. Firm policy is undetectable as yet.

Israel controls Palestinians' water supply and electricity, and ultimately the economy, such as it is after Fatah's depredations. The Israeli government's very first decision toward Hamas was to release millions of dollars collected through the tax system, without which the Palestinian bureaucracy could not have been paid this coming month. At the same time, Israeli security forces have foiled several suicide bombers, and targeted terrorists attacking them from Gaza. If Hamas were to pursue an all-out terror strategy, however, Israel would abandon this modulated response. All Palestinians would then be at the mercy of Israel, and the majority at least would blame Hamas for worsening their plight. Equally sobering from the Hamas perspective is the reluctance of Fatah fat cats to remove their hands from the till. Fatah still controls the militia, and its gunmen here and there continue to shoot it out. In such a situation, civil war is always on the horizon.

Masterly inactivity should be the policy of the United States and the Europeans while Hamas is in the process of deciding whether to respond to pressures to act responsibly, or to be a willing tool of Iran in the global jihad against the West. Whichever it is, Palestinians will have to live through the consequences of their vote. This may mean learning democracy the hard way, but that is better and wiser than never to learn it at all.

**WIRETAPPING**

## War Power

ATTORNEY GENERAL Alberto Gonzales went before the Senate Judiciary Committee to confront some of the staunchest critics of the Bush administration's terrorist-surveillance program. That program involves warrantless NSA monitoring of al-Qaeda's international communications, some of which go into or out of the United States. For nearly two months, leading Democrats and some Republicans have lambasted the program as heedless of civil liberties and illustrative of the president's placing himself "above the law."

The law they have in mind is the Foreign Intelligence Surveillance Act of 1978 (FISA), which governs most domestic monitoring of terrorists and spies, and outside whose strictures the NSA program operates. Gonzales addressed the hyperbolic suggestion—of Sen. Arlen Specter and others—that the NSA program is a "repeal by implication" of FISA. First, far from having "repealed" FISA, the administration continues to use it broadly and regards it as a valuable counter-terrorism (and counter-espionage) tool. The NSA program does not supersede FISA, but operates on the basis of authority unrelated to it: the executive power inherent in Article II of the Constitution, which has always given presidents primacy in both foreign relations and the collection of foreign intelligence. The FISA court of appeals has held that the president has inherent authority to conduct

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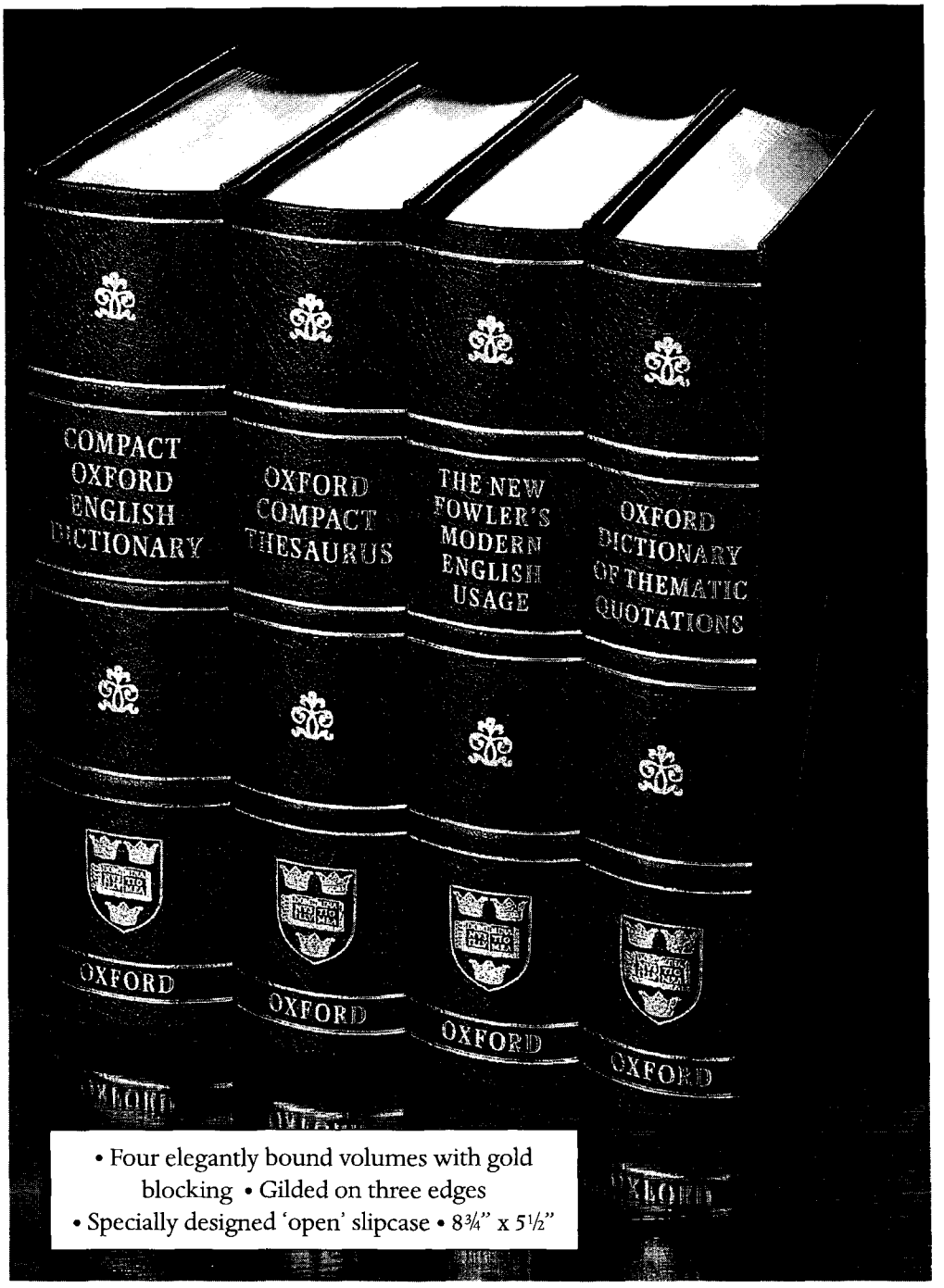


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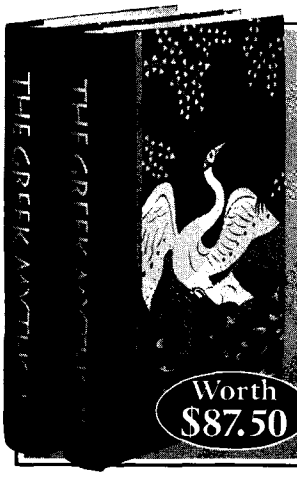


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warrantless wiretapping, and, when the ACLU challenged that decision, the Supreme Court declined to review the case. (For a fuller account, see Byron York, "Listening to the Enemy," on page 22.) It is Congress, not the president, that strays above the law when it seeks to curtail the executive's authority.

FISA itself contemplates this authority, and Congress's sweeping authorization of the use of military force after 9/11 further supports it. The Supreme Court indicated in its *Hamdi* ruling that the authorization embraces all the fundamental incidents of waging war, which clearly include signals intelligence. Contrary to what some senators said at the hearing, the issue is not whether individual members of Congress thought they were authorizing wiretapping. Because legislators cannot predetermine the course of battle, use-of-force authorizations are general by design, and involve granting the commander in chief maximum flexibility to use the known tools of war. The impracticable alternative would be for the president to return to Congress to request specific support—and, in so doing, to educate the enemy—every time a new tactic seemed promising.

There is a reason that the Constitution makes the president—not Congress and certainly not judges—singularly responsible for national security. If al-Qaeda is ever to be successful in repeating 9/11, it must necessarily communicate with operatives inside this country. Effective surveillance of those communications—and effective response to the threats they reveal—depends on the kind of quick decision-making that only the executive branch can provide. The Senate hearing—veering as it did into territory having nothing to do with the NSA program, or else into questions about operational details that Gonzales could not disclose without compromising the program's effectiveness—was a perfect illustration of what national security by committee looks like. Thankfully, the Founders called for no such thing.

# notes & asides

■ *On January 25, 2006, WFB received the American Society of Magazine Editors' Lifetime Achievement Award and was inducted into the ASME Hall of Fame. In the ceremony at the Waldorf-Astoria, he was introduced by Tom Wolfe, who said, "We have to realize, until Bill Buckley published* National Review, *there was no conservative movement in America." WFB's remarks follow:*

Ladies and gentlemen, Mr. Whitaker:

I am dutifully overwhelmed by your Lifetime Achievement Award. A fellow writer, I too am concerned with the flows and eddies of language, and so have wondered at the exact wording of my award. It could be telling me that, after tonight's immolation, I must not write more, lest I tarnish the image of me that you have reified. Alternatively, it might be telling me that I am old enough to have used up a lifetime. That is entirely persuasive.

In probing the question, What might I say here in acknowledging your kind and generous attention? I received, and have deliberated upon, a sentence by your representative.

She told my office, "Why doesn't he just talk about how he got into the Hall of Fame?" That official of the American Society of Magazine Editors was self-evidently trained in the editorial arts, including concision. She might otherwise have said, "Why doesn't he just talk about *how on earth* he got into the Hall of Fame?"

But since you have authorized autobiographical commentary, I compliantly recall one or two data which might throw light on this happy moment for me. For the first five years of its existence I wrote almost exclusively for my own magazine, National Review. It was a very indigent operation, a condition of the publication I did not go out of my way to conceal when negotiating with writers from whom we hoped to induce commentary. My own salary, as editor in chief, was a dollar a year. In tight years, I put in for my dollar only every other year.

In late 1960 I was in Pasadena with my wife, visiting her parents. I had resolved that on our way back, we would stop over in Alta, Utah, and do some skiing. I hadn't yet begun my syndicated column, my television work was five years away, I was 15 years away from my first novel, and lecturing was in abeyance; so I privately pledged that I would pay for my extravagance in taking a skiing vacation by writing an article. I proposed to sell it for the $300 our three days in Alta were calculated to cost us.

Now, ladies and gentlemen, here is a magazine writer's fairy tale. I sat down in Alta and wrote an essay about 1,500 words long and sent it to *Coronet*, a little magazine about the size of *TV Guide*, asking for $300. The editor wrote back suggesting that I submit it not to *Coronet*, but to *Coronet*'s big sister, *Esquire*. I did so. That brought on a telephone call from *Esquire*'s editor, Mr. Harold Hayes. He said he would like to publish it but that he wanted to run alongside it a profile of the author—to sit for which I happily agreed, and so became acquainted with my first portraitist, Dan Wakefield.

Now already the fairy tale is off to a good launch, I think you would agree. But it had hardly begun when, in 1961, *Esquire* published the piece, which was called, "Why Don't We Complain?"

It was a simple essay in which I spoke of the complacency of Americans who declined to ask for relief when relief was obviously merited, and easily effected. I cited a recent train ride from New York to Stamford. The temperature in the car was about eighty degrees, while the temperature outside, that winter day, was below freezing. *Nobody* did anything about it (including me). I cited other examples of passive popular insensibility, including the movie theater the week before in which the picture came in out of focus, without bringing on a complaint, let alone the early death of the projectionist.

Why don't people demand relief, when relief is easily achieved? I asked. Well, what I brought on wasn't a cultural revival of self-assertion, but a continuous reproduction of my little essay. It has been published in books, several *hundred* times. It has paid me back, to use the appropriate word, a lifetime's skiing. Needless to say I could not have anticipated that gold rush, and although I received yet another check traceable



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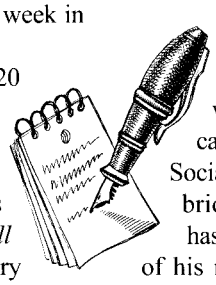
to it from my super-agent, Lois Wallace, just weeks ago, nothing of the sort ever happened again. In my lifetime so far.

But I did have what amounts to a kind of strategic intimation of your hospitality tonight, extended to me in the 44 years since I learned that it could pay to complain. I have written what seems incessantly for American magazines, and of course newspapers. Only a single submission has been rejected.

*Business Week* wanted from me, at some political convention in the Seventies, an essay on the treatment of the event by the television media. My piece was rejected as insufficiently focused on the subject at hand. That was my entire, lifetime, slough of despond.

At the other end, there was a pitch of sheer delirium. I will never forget the moment when, walking into my mother's house in South Carolina, I learned that there was a call from the editor of *The New Yorker*. It was the great Mr. William Shawn, to whom I had sent, in a frenzy of speculation, a book-length manuscript—an autobiographical account of a single week in my life.

He bought it for *The New Yorker* and, over the next 20 years, four succeeding books. His decision to publish the second of my journals of a week's activity so dismayed my critics that one or two of them wondered out loud whether Mr. Shawn had taken leave of his literary senses. Well, you and I know he was right *all along*, do we not? I dedicate this evening to the memory of Mr. Shawn. Or at least, to my memory of Mr. Shawn.



On the matter of qualifying for your attention, what to do to encourage good writing? What I did, other than preside over my own magazine for 35 years, was to teach, for two semesters, senior students at Yale who were bent on cultivating professional skills. I actually sought out the academic appointment because I wished to experiment with an idea of editing text on a computer, using a large screen as a backdrop, with lettering easily visible to my twelve students. The left side of the screen would display a student's weekly essay on the assigned subject, leaving the screen on the right side for me—the teacher—to edit viva voce, my editorial suggestions redacted on the spot, from the laptop in front of me to the screen behind me.

Students, I was persuaded, would there and then *feel* the differences—improvements palpable in readability achieved. All of this done in their presence, and defended vocally where there was disagreement. Student essays were exhibited in rotation. My assumption was that the corrections being performed would be comprehended as improvements, even when done on work by other students than themselves. If so—demonstrably—a class tutor could accomplish very nearly as much as twelve tutors working privately with individual students.

I pause at this moment. Because although there is no documentary evidence of the success of my pedagogical epiphany, the effort did seem to succeed—in my opinion and in that of almost all of the students who sought out the experience. Succeed in heightening taste and advancing technique. If it had the supplementary effect of teaching me new things, then perhaps we can attribute to it some responsibility for what went on to happen to me 15 years later—tonight—at your hands.

I am about to conclude, since time limits on speeches should be more rigorously observed even than word limits on articles.

But there are two duties left undone. The first is wonderfully offbeat. After years of hearing him, at this forum or that, I noted that Professor John Kenneth Galbraith, my learned friend, made it always a fastidious point to inject at least *one* dogmatic ideological thought into any evening dedicated to whatever was the subject under discussion, or whichever was that night's award he was accepting.

My experience of him, and affection for him—we met at Truman Capote's Black and White Ball in 1966, and never lost touch—licensed me to tease him about his missionary work. I asked him once, in the late 1970s, whether he was available in the first week of May to make up a joint television commitment on which we were remiss.

"First week in May?" he stared at his calendar. "No. I'll be lecturing at the University of Moscow."

"Oh?" I said. "What do you have left to teach them?"

Discharging my complementary evangelistic duty I beg you to note that I wrote a column yesterday—perhaps it was printed in the *Sun* this morning—featuring Evo Morales, inaugurated as president of Bolivia last week. He is the triumphant head of a political party called Movimiento Al Socialismo: Movement Towards Socialism. I will be visiting Professor Galbraith in Cambridge in the next week or so, and will ask whether he has any advice for Mr. Morales, who, in the first few days of his movement towards socialism, put off nationalizing Bolivia's oil and gas business. He has discovered that Bolivian energy is sustained mostly by Brazilian and Spanish capitalists who are behind in their reading of Professor Galbraith's books.

I close by telling my hosts that it was distressing, immediately after being advised of the honor you proposed for me, to be told that I should name someone to introduce me.

Really—please understand—it is simply, well, *wrong* to ask Party A to call on Party B to say pleasant things about Party A.

I have known Tom Wolfe almost as long as Ken Galbraith. He has been so kind and generous I would not have dreamed of importuning him to play a part even in such august circumstances as these, proud and happy though I was on learning he had been asked, and accepted.

How to acknowledge him? I had the one bright idea left to me in my straitening lifetime, which was to look in the files for remarks made about Tom Wolfe by one of the people selected to introduce *him* when he won the National Arts Club Medal of Honor for Literature in 2001.

I quote one paragraph in the introductory speech about him by my distinguished son, Christopher Buckley. He said, "Every generation, if it's lucky, gets to be present when someone comes along who changes everything. An earlier generation had Hemingway. The one after that had J. D. Salinger. Mine fell into a big tub of stimulants. We had Tom Wolfe. The *Electric Kool-Aid Acid Test* was to the printed word what Sergeant Pepper was to music. You read it with trembling hands thinking, 'I didn't know you were allowed to do this.'"

Well, you were allowed to invite him, you were enterprising enough to do so, and he, graceful enough to accept. For all my self-concern, buttressed by what you have done for me tonight, permit me to say that Tom Wolfe is the unique feature of the evening.

**—WFB**



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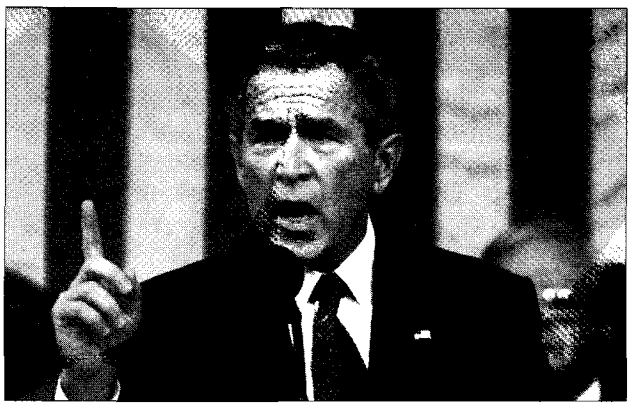

■ THE ADMINISTRATION ■

# Bush's New Conservatism

## Its internal contradictions start to show

JOHN O'SULLIVAN

Am I mistaken? Or does the owl of Minerva, currently taking flight amid the gathering dusk of the Bush administration, bear a surprisingly strong resemblance to Fred Barnes? For Barnes, the distinguished executive editor of *The Weekly Standard*, has not only become the administration's poet laureate in his superb political reporting; he has also identified the justifying philosophy of the Bush presidency as "strong government conservatism" and shown that this philosophy is not just genuinely conservative but, if anything, an improvement on all previous conservatisms—including Ronald Reagan's.

This insight came as an immense relief to many puzzled conservatives. While they had found some things to like in the Bush years—the tax cuts, the judicial appointments, the strong prosecution of the War on Terror, the robust defense of the president's right to overhear enemy spies—they had been rendered nervous and unsettled by others: the vast domestic overspending, the administration's conversion to race and gender preferences, the creation of a new entitlement to prescription drugs, the amnesty that dare not speak its name on illegal immigration, the abandonment of parental choice as a necessary element in education reform, and much more.

Much midnight oil and anguish were spent in seeking to reconcile this knotty contradiction. If this was never quite achieved, conservatives nonetheless gave President Bush the benefit of the doubt because of two other factors. His style was undeniably an American conservative style, with populist Texan aphorisms and a homespun swagger: Conservatives loved him for that as they had never loved the equally ambiguous Nixon. They also loved him for the enemies he had made—and for the enemies' extraordinary inability to notice what was actually going on.

While the president pushed spending a full one-third above the level he had inherited at a rate far higher than that under Clinton, the Democrats attacked him for cutting programs. This arrant unreasonableness helped the president: It concealed his deviations from conservatism and encouraged doubtful supporters to rally behind him. Even so, that sinking feeling about his actual policies was never quite dispelled until Fred Barnes arrived to explain it away.

The January 23 issue of *The Weekly Standard* carried an excerpt from Barnes's new book, *Rebel-in-Chief*. In it, Barnes outlined the concept of "strong government conservatism" (a.k.a. "compassionate conservatism") as follows: "Bush and his aides have embraced an insight lost on some other conservatives: What matters is not how big government is but what it does . . . Bush realized that a conservative president can use government policies to expand personal freedom, a conservative virtue. His reforms to create voluntary investment accounts in Social Security and health savings accounts in Medicare aim to do just that."

Well, let's get the quibbles out of the way first. The reforms Barnes cites as examples of SGC/CC would in fact mean a smaller government, since their beneficiaries would receive retirement income and medical care from their own savings rather than from Washington. That is why they were so firmly opposed by the Democrats who benefit politically from dependency on big government. A conservatism that seeks to replace state provision with personal provision does not need a fancy new hyphenated name. The word "conservatism" is perfectly adequate to describe this today, as it was 40 years ago. It's nothing new.

Nor is it insignificant that these reforms have *not* been adopted. They were and still might be a worthy attempt to lure people out of dependency by stealth. Now, dependency *can* be fostered by stealth, as the New Labour government in Britain has shown brilliantly. But it is very hard to wean people away from dependency by stealth. That strategy runs up against Enoch Powell's first law of the welfare state: "Not to take away is more blessed than to give." You probably have to create a sense of crisis, as Ross Perot did over the budget deficit, to persuade people to risk their security or give up even highly theoretical benefits. "Strong government conservatism," however, is an attempt to anesthetize debate rather than to provoke it.

Still, let us ignore these quibbles and press on. Let us concede that government will continue to be big for some time, however heroic our efforts to cut it back. And since the government will be administering vast sums in social spending, for instance, it should do so on conservative rather than on liberal lines. That is the insight behind successful welfare reform. But those two arguments amount to less than half a policy. If we abandon all effort to cut the size of government and rush towards the mirage of a big conservative government, then we will drift gradually towards a government that is extensive, liberal, and weak.

It will be extensive for a very obvious reason. Without a constant pressure to cut

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government or procedural rules to restrain it, government naturally grows. Every politician, pressure group, corporation, and lobbyist has his own favorite project deserving of government money. The current term for project is "earmark," but the thing itself is ancient. In the words of Everett Dirksen, the "Wizard of Ooze": "A billion here, a billion there, and pretty soon you're talking real money."

It will be liberal because the officials who staff government are overwhelmingly liberal. A president gives orders and, in an administration that is ideologically militant such as the Reagan administration, those orders filter down and outwards by several GS levels. But the farther from the White House the official works, the less likely he is to implement the president's agenda as the president would wish. In an ideologically inert administration—which describes the Bush administration outside a few key areas—the pressure to deliver conservative outcomes such as "faith-based" welfare will be exiguous. Barnes cites Iraq as an issue on which Bush pushed the State Department into going along with him. But the diplomats are at the very top of the bureaucratic tree, in Washington, and visible. Even then it took immense effort and one term to bring the State Department under civilian control. The CIA is a much less persuasive example—indeed, it refutes the point on which both Barnes and Bush set a great deal of store.

Finally, it will be *weak*. Barnes gives a very good example of this in his *Standard* article. Bush's response to Katrina, he writes, "was characteristic. He would use the federal government to achieve . . . a rebuilt Gulf Coast with a thriving economy." Now, the federal government may well have an obligation to help state and local authorities to repair the effects of severe natural disasters and to ensure proper compensation for their victims. But this policy went well beyond that—and it proceeded from Bush's political weakness. He had to promise vast government largesse precisely because the federal government had not worked miracles in the first days of the crisis. Extensive government is a soft touch.

Not only was this policy weak in itself, it led to further weakness since it seemed to validate a liberal-statist Democratic conception of government. After all, if the federal government can create a thriving Gulf Coast economy, why cannot it undertake any number of such beneficent experiments? Once government promises to cure all ills, it will be blamed for the common cold even as it pays for universal MRIs. It cannot be entirely coincidental that when the president began to speak of America's "addiction to oil" in his State of the Union (and to propose solutions such as a hydrogen car that actually require more energy than they generate) he sounded uncannily like Jimmy Carter in the long-lost days of "malaise."

Interestingly, however, it was the president's Katrina largesse that also provoked the beginnings of the congressional Republican rebellion over excessive spending. Though the GOP had gone happily along with extravagant spending programs until that point, it suddenly feared that its entire raison d'être was evaporating. And since then Republicans in Washington have become increasingly anxious about overspending and other Bush programs, such as his amnesty for illegal immigrants, that have little to do with conservatism as traditionally defined.

This is the gathering dusk of the administration's second term, when the owl of Minerva supposedly takes wing—i.e., we only really begin to understand or even glimpse something when it is already disappearing. "Strong government conservatism" is being proclaimed in Barnes's book at the exact moment that it is beginning to die of its own internal contradictions.

Spending is suddenly synonymous with corruption that is itself likely to dominate the headlines for the next year as the Abramoff scandal unfolds. Nor is the equation an unreasonable one, since it is the extensiveness of government that creates the opportunities for corruption. Big government now looks corrupt as well as weak. Every Republican congressman wants to be a candidate of reform and "clean government." All three candidates for the House majority leadership sang that song.

The idea that big government can consistently serve conservative purposes is thus looking illusory. That will be a good thing if it obstructs the vast and risky Bush program of integrating the U.S. labor market with the world labor market through more or less open immigration. It will be less so if it discredits by association the legitimate prerogatives of strong but limited government in foreign policy. But since the owl of Minerva flies out at dusk, it risks bumping into foreign objects. **NR**


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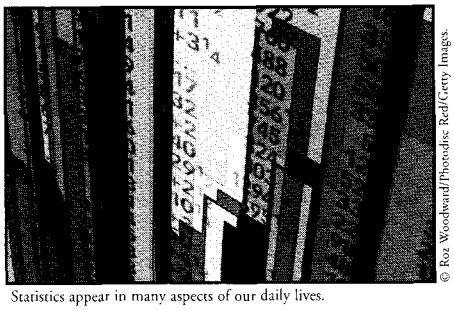

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■ AT WAR

# Listening to The Enemy

## The legal ground on which the president stands

BYRON YORK

In early September 2002, just before the first anniversary of the September 11 terrorist attacks, a group of lawyers gathered in a heavily protected, windowless room in the Department of Justice building in Washington. There were three federal appeals-court judges, Laurence Silberman, Edward Leavy, and Ralph Guy. There was Theodore Olson, the U.S. solicitor general. There was Larry Thompson, the deputy attorney general. And there was John Yoo, the Justice official who had closely studied questions of war powers and presidential authority. Rounding out the group were a few other department staffers, one official from the FBI, and David Addington, Vice President Cheney's top lawyer.

The purpose of the meeting was to argue a case whose details remain so classified that they are known by only a few people, but whose outcome, a decision known as *In re: Sealed Case*, has become one of the key documents in the hottest argument in Washington today: the fight over what President Bush calls the "terrorist surveillance" of persons with known al-Qaeda connections, and what the president's opponents call "domestic spying."

The three judges made up what is known as the FISA Court of Review. It was created in 1978 by the now-famous Foreign Intelligence Surveillance Act. The act required that the president go to the so-called FISA Court to seek a warrant for surveillance in top-secret foreign-intelligence cases. For any disputed decisions that might arise, Congress also created the Court of Review, a sort of super-secret appeals court.

But in all the years between 1978 and 2002, there had never been occasion for the Court of Review to actually meet. Not until *Sealed Case*, and the three-way collision between the executive, legislative, and judicial branches that it involved. Today, a look at the circumstances of the case provides not only an insight into the administration's rationale for the secret, warrantless surveillance program but also important clues to the mystery of how the whole thing got started in the first place.

The conflict began with the passage of the Patriot Act in October 2001. The act tore down the "wall" that had arisen in the Justice Department that blocked intelligence officials and criminal investigators from working together and sharing information. That wall had been cemented by a set of internal department guidelines written in 1995, in which then–attorney general Janet Reno outlined the department's constricted surveillance procedures.

The Patriot Act was designed to fix that problem. But a month after the act was passed, when the Justice Department submitted surveillance requests to the FISA Court under the new, looser standards passed by Congress, the FISA Court in effect rejected the Patriot Act, and instead reaffirmed the old 1995 Clinton-era standard.

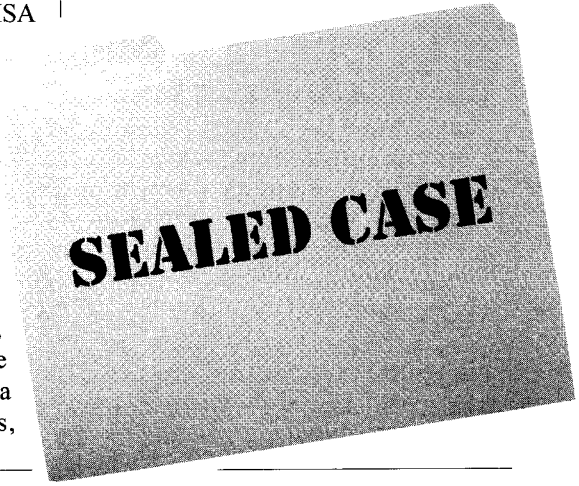
A standoff ensued. In early 2002, the Justice Department adopted new surveillance procedures based on the Patriot Act. In March 2002, the department informed the FISA Court that it would use those new standards in surveillance applications. In May, the FISA Court said, in effect, not so fast, and ordered modifications in the procedures. Among other things, the FISA Court ordered that "law enforcement officials shall not make recommendations to intelligence officials concerning the initiation, operation, continuation or expansion of FISA searches or surveillances"—a reasonable facsimile of the old wall. The FISA Court also ordered that the Justice Department include certain staffers in all surveillance debates, an order that quickly became known in the Justice Department as the "chaperone requirement."

The Justice Department resisted, and in July 2002 filed a surveillance application—the details are still a secret—using its new procedures, without the FISA Court's mandated changes. The Court approved the application but insisted that the modifications be made according to the court's dictates. And then, in August, the FISA Court took the extraordinary step of making its decision public, accusing the Justice Department of habitually misrepresenting evidence and misleading the court. That's when the department decided to take the matter to the Court of Review, leading to the September 2002 session in that secure room in department headquarters.

"We're here today," Theodore Olson said as the secret *In re: Sealed Case* court argument began, "because the Foreign Intelligence Surveillance Court's May 17th order . . . has perpetuated a serious and increasingly destructive barrier which has hamstrung the president and his subordinates" in their work to protect "the United States and its citizens from attack and from international terrorism." The FISA Court's ruling, Olson continued, was "inexplicable."

Olson and the judges went back and forth over the history of the wall. Nobody really knew how it first came into being; the judges later said its origin was "shrouded in historical mist." They went over what Congress intended when it passed the Patriot Act. And they went over the question of whether the FISA Court had the power to tell the president how to conduct investigations.

The answer was no, Olson said. "To the extent that the FISA Court is purporting to reorganize the executive branch, the so-called chaperone function, I don't think Congress could constitutionally tell the executive or the attorney general that he could not talk to this subordinate without involving that subordinate," Olson



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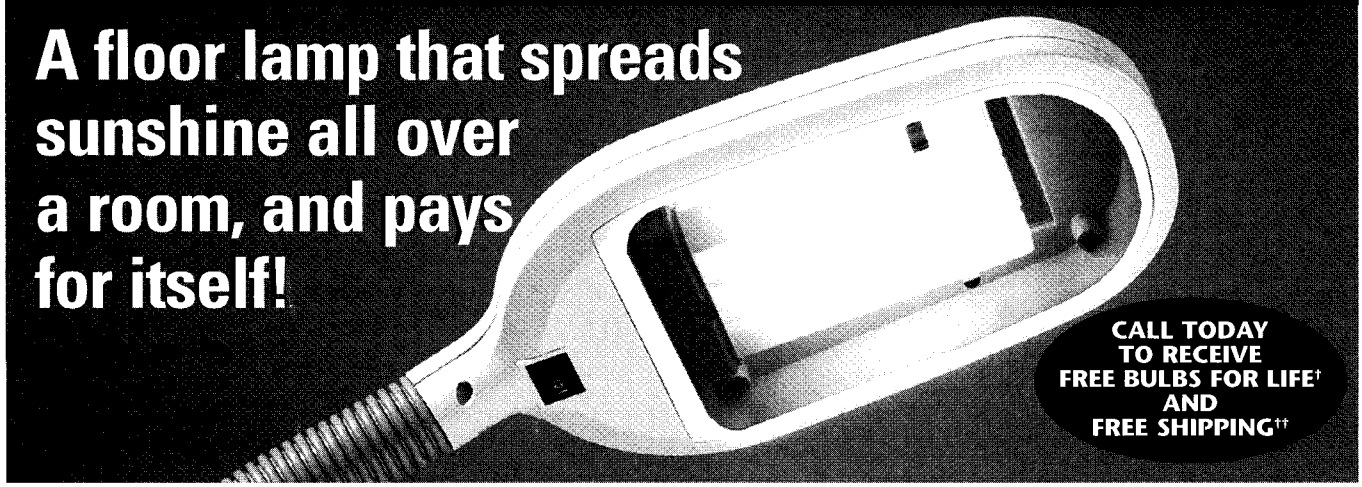

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told the judges, "and I certainly don't think the court can do so."

The entire session lasted just a few hours, and the Justice Department waited for the Court of Review's ruling. When it came, in November 2002, it was a slam-dunk win for the government.

In its opinion, the Court of Review said the FISA Court had, in effect, attempted to unilaterally impose the old 1995 rules. "In doing so, the FISA Court erred," the ruling read. "It did not provide any constitutional basis for its action—we think there is none—and misconstrued the main statutory provision on which it relied." The FISA Court, according to the ruling, "refus[ed] to consider the legal significance of the Patriot Act's crucial amendments" and "may well have exceeded the constitutional bounds" governing the courts by asserting "authority to govern the internal organization and investigative procedures of the Department of Justice."

And then the Court of Review did one more thing, something that has repercussions in today's surveillance controversy. Not only could the FISA Court not tell the president how do to his work, the Court of Review said, but the president also had the "inherent authority" under the Constitution to conduct needed surveillance without obtaining any warrant—from the FISA Court or anyone else. Referring to an earlier case, known as *Truong*, which dealt with surveillance before FISA was passed, the Court of Review wrote: "The *Truong* court, as did all the other courts to have decided the issue, held that the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information. . . . We take for granted that the President does have that authority and, assuming that is so, FISA could not encroach on the President's constitutional power."

It was a clear and sweeping statement of executive authority. And what was most likely not known to the Court of Review at the time was that the administration had, in 2002, started a program in which it did exactly what the Court of Review said it had the power to do: order the surveillance of some international communications without a warrant.

Read today, *In re: Sealed Case* does more than simply outline the president's authority. It also puts the administration's warrantless-surveillance decision in some context. What was going on at the time the president made the decision to go ahead with the surveillance? Well, first Congress passed the Patriot Act, giving the administration new powers. Then the FISA Court refused to recognize those powers and attempted to impose outdated restrictions on the administration. Then the White House, faced with the FISA Court's opposition—and with what administration officials believed were some inherent weaknesses in the FISA law—began to bypass the FISA Court in some cases. And then, in *In re: Sealed Case*, the administration received irrefutable legal support for its actions.

**Ironically, *In re: Sealed Case* came from a case that was not about whether the president had overstepped his bounds, but about whether the courts had overstepped their bounds.**

After the decision was handed down, the American Civil Liberties Union, which had submitted a brief in support of the FISA Court's actions restricting the administration, asked the Supreme Court to review *In re: Sealed Case*. The justices declined to take any action. That is not the same as the Court's upholding the ruling, but it does mean that the justices looked at the decision and chose not to intervene.

Today, the opinion stands as a bedrock statement of presidential power. And ironically, it came from a case that was not about whether the president had overstepped his bounds, but about whether the courts had overstepped their bounds. The Court of Review ruled strongly in favor of the president, and the Supreme Court declined to reconsider that decision. Reading the opinion, it's no wonder that George W. Bush has so strongly defended the surveillance program. If the FISA Court of Review is right, he has the Constitution on his side. **NR**

■ **PUBLIC POLICY**

# BushCare

## The answer to ClintonCare, and a very good one

JOHN C. GOODMAN

In his State of the Union address, President Bush devoted only a few sentences to health policy. But, to coincide with the speech, the Bush administration released a five-page document proposing health-policy reforms so sweeping and bold as to merit comparison to the scope—though certainly not the content—of Hillary Clinton's plan of a decade ago. If the White House is able to see its proposals through, it will leave a lasting and positive mark on American social policy.

One component of Bush's reforms is Health Savings Accounts (HSAs). The idea behind HSAs is quite simple. Individuals should be allowed to manage some of their own health-care dollars through accounts they own and control. They should be able to use these funds to pay the costs of out-of-network doctors, diagnostic tests, and other procedures not covered by third-party, catastrophic insurance. The accounts should be tax-free, and should eventually be available for non-medical purposes, letting individuals profit from wise decisions that allow them to reduce their health-care costs.

The logic of such accounts is that they bring health incentives in line with market incentives. Right now, because consumers of health care don't control the dollars with which that care is purchased, they have little incentive to keep expenses down. HSAs provide such an incentive. Some people will respond by seeking information about treatments and health-care providers over the Internet, choosing the options that are most cost-effective. Some may bypass primary-care physicians altogether and

**Mr. Goodman is president of the National Center for Policy Analysis.**



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directly order their own diagnostic tests or seek online specialist consultations. Others may forgo name-brand drugs in favor of less expensive generic medications, therapeutic substitutes, and over-the-counter drugs. Studies show that, with a modest amount of training, diabetics, asthma patients, and others can manage their own health care and achieve results at least as good as, and at lower cost than, traditional care. The general principle is that people will not choose to spend a dollar on health care unless they get a dollar's worth of benefit—and this will place downward pressure on both medical costs and insurance premiums.

HSAs were first created along with the prescription-drug entitlement signed into law in 2003. But their scope was much smaller than what many reformers had hoped for. The president's proposal would address this deficiency by increasing the amount people can contribute to their HSAs, making HSAs easier to obtain, and giving people incentives to obtain them (by creating additional benefits that apply only to HSA plans).

Bush's reforms also address the question of tax fairness. The main reason companies provide their workers with health insurance—rather than higher wages with which they could buy their own insurance—is that, under current tax law, every dollar an employer pays for employee health-insurance premiums avoids federal income and payroll taxes, as well as state and local income taxes. For a middle-income employee, this tax subsidy means that the government is effectively paying almost half the cost of his insurance—even as people who buy their own insurance must do so with after-tax dollars.

The White House proposal corrects this inequity by allowing individuals who buy their own health plans to deduct insurance premiums from their income taxes. In addition, a tax credit would offset the payroll taxes on income that goes toward premiums. These reforms would mean that employers had no reason to compensate their employees in insurance rather than wages, aside from economies-of-scale or other advantages associated with large purchases.

Bush's reforms would also allow employers to buy individually owned, personal, and portable insurance for their employees. Initially, the employers would pay most of the premiums (as they do today). But, because the insurance would be owned by the employees, it would move with them as they traveled from job to job and home to home. They would get portable insurance, but at group-insurance prices.

**The Bush reforms will reshape the health-care marketplace by empowering patients to make their own choices about the care they receive.**

This portability is not simply a matter of convenience; it would also improve the quality of health care. One disadvantage of the current system is that most of us are vulnerable to losing our coverage if we become unemployed. Moreover, virtually all employer health-insurance contracts last only twelve months. At the end of the year, an employer searching for ways to reduce costs might choose a different health plan or stop providing insurance altogether. A switch in health plans or a job change often means switching doctors as well, since plans tend to provide coverage only for doctors within their own networks. Additionally, different employer plans come with different benefit packages. So coverage for some services, like mental-health care, are included in some plans but not in others.

For people who are healthy, these disruptions may be only minor inconveniences. But for the chronically ill, breaks in the continuity of care can present major challenges. Not surprisingly, one study of chronically ill workers found that those who rely on their employers for coverage have an average job-mobility rate 40 percent lower than that of those who obtain their health insurance through other means.

Chronically ill workers would also benefit from another of the proposed reforms: allowing employers to make special deposits into employees' HSAs. Employers currently make different premium payments on behalf of different employees, depending on the employees' expected health-care costs. Similarly, the president proposes that employers be permitted to make deposits of varying amounts to different HSAs, allowing them to respond to the individual needs of their employees.

Finally, Bush's reforms would let consumers buy insurance from a national marketplace instead of being restricted to providers in the states where they happen to live. Many cities and towns are served by only one insurer. The coverage available may be overpriced, with benefits that do not fit the needs of many individuals and families; but, with few or no alternatives, buyers must either purchase an unsuitable policy or forgo insurance altogether. Furthermore, state governments regulate health insurance excessively—and they do so in 50 different ways. Beyond collecting taxes, imposing price controls, and regulating access to insurance, states also require buyers of insurance to pay for extra benefits they may not want. Studies estimate that as many as one in four uninsured Americans has been priced out of the health-insurance market by these regulations and mandated benefits.

The president would allow insurers to sell insurance in all states under the rules and regulations of their home state. This is a major step in the direction of replacing 50 overregulated markets with one large, relatively free, and less costly market. Thanks to the Supreme Court, you can buy wine across state lines—and that has led to a big drop in wine prices. National competition in the insurance industry would cause premiums to plummet in a similar fashion.

If passed, all of these reforms will make health insurance more affordable and more accessible. They will reshape the health-care marketplace by empowering patients to make their own choices about the care they receive. They will strengthen the doctor-patient relationship and allow doctors to be agents of their patients rather than of third-party payers. They will, in short, be a vast improvement over our current system. **NR**



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# Christians and Israel

## Are Christians Israel's supporters or its detractors?

Israel, in little more than 50 years, has developed into an advanced and powerful nation. It has done that despite almost unending war and having absorbed and integrated over a million immigrants. The Arabs and other Moslems are not the only ones who do not wish it well; many others are hostile to the Jewish state. Who are Israel's real friends?

### What are the facts?

**True friends of Israel.** The history of the Jews is a hard one in their relationship with the Christians, among whom they have lived for almost twenty centuries. It is punctuated by terrible pain that their hosts inflicted on them. There were the Crusades, there was the Inquisition, there were expulsions from and persecutions in many countries, and uncounted pogroms. It culminated in the Holocaust, in which one-third of the world's Jews were slaughtered. The perpetrators of this worst crime in history were Christians – Protestants and Catholics. Church authorities could have prevented and stopped this genocide. Sad to say, Pope Pius XII, who could have threatened with excommunication all participants in this crime, kept silent.

> "It is only the hypocritical leaders of certain mainline Protestant churches who...derogate the State of Israel..."

In 1948, on the ashes of the Holocaust, Jews created the State of Israel. The United Nations had demanded that "Palestine," where strife between Jews and Arabs had been rampant for decades, be divided into a Jewish and an Arab state. The Jews accepted this partition; the Arabs rejected it out of hand and, with the armies of five nations, launched the first of their many wars against the nascent Jewish state. Israel prevailed in that war and in all subsequent ones. Israel's unceasing efforts to make peace were unsuccessful. It does not seem likely that peace will come in the foreseeable future.

One solid friend of Israel came to the fore. Today, American Evangelicals are the staunchest supporters of Israel. This support is largely based on the faith shared with the Jews that the land of Israel was willed by God to the children of Israel. It is a primary reason for America's friendship and solidarity with Israel. The Evangelicals believe that their end-of-time scenario will be hastened by the establishment of a Jewish state in that land.

Jews fully reciprocate the love that the Evangelicals feel for Israel. Christian institutions in Israel thrive and have the support and full protection of the government. Christian schools, Christian churches and other Christian institutions prosper. A large Christian pilgrimage center is to be built in cooperation with American Evangelicals. A Christian embassy in Jerusalem represents the interests of Christians in Israel and serves as messenger about Israel throughout the world.

**Is "divestment" the new anti-Semitism?** In contrast to the Evangelicals' solid support of Israel stand certain "mainline" leftists-oriented churches. On the forefront are the mainline Presbyterians. In 2000, they launched a campaign to divest from five U.S. companies (Caterpillar, Motorola, United Technologies, ITT, and CitiGroup), which they claim are complicit in Israel's mistreatment and suppression of the Arabs under their administration.

The United Church of Christ (UCC) took similar action and it seems that the Episcopalian hierarchy is also contemplating such a course. The Anglicans, the British equivalent of the Episcopalians, passed a similar resolution last year. Gratifyingly, most of the rank and file of these churches entirely disagrees with their leaders. It provokes their outrage and has also caused bipartisan condemnation in Congress.

As far as the robust Israeli economy is concerned, any possible divestment by those churches would not be much more than a pinprick. But what is significant and important is that, in hypocritical self-righteousness, those church leaders have cloaked their antipathy toward the Jews in the socially more acceptable mantle of anti-Zionism or anti-Israelism. Would those elders recommend that their church divest from Spain for their "suppression of the Basques," from China for the "subjugation of the Tibetans," or from the Arab countries for their ruthless exclusion and worse of their fellow Christian citizens, the genocide of their blacks, and for the mistreatment of women? Of course not – it is Israel, the only democratic country in the entire Middle East that merits the condemnation of the leaders of those mainline churches. It makes one wonder, doesn't it!

Jews and the State of Israel can rejoice in the solid friendship and the sturdy support of American Evangelical Christians. Also, the Roman Catholic Church, under the wise guidance of the saintly late John Paul II, has recognized its crimes against the Jews over the centuries and has asked for forgiveness and understanding. It is only the hypocritical leaders of certain mainline Protestant churches who, against the will and belief of their rank and file, derogate the State of Israel and promote the phony issue of divestment of companies that supposedly support its alleged mistreatment of the Arabs under its administration and the violation of their human rights.

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■ PUBLIC POLICY II

# Born in the U.S.A.

## Should that automatically make you a citizen?

RAMESH PONNURU

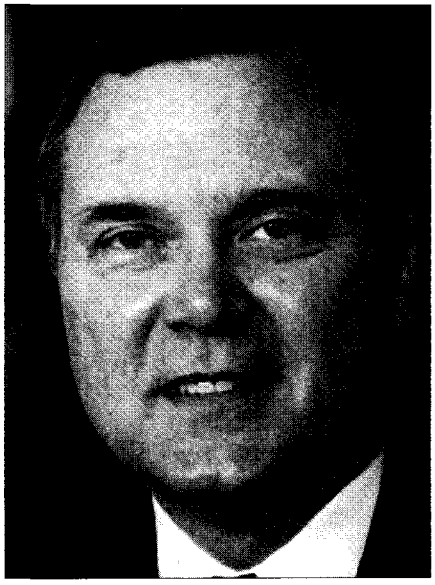
One in ten children born in this country has an illegal immigrant for a mother. Every one of those children of illegal immigrants is a U.S. citizen. Birth on American soil automatically qualifies a child for citizenship, whatever his parents' legal status. (Birth above American soil—on a helicopter, for example—also counts.) Many conservatives want to change the law: to make it so that the children of illegal immigrants will no longer automatically be citizens. It is a misguided, and potentially disastrous, response to the problems created by our immigration policies.

Those problems certainly exist. Granting citizenship to the children of illegal immigrants makes it harder to enforce the immigration laws. If illegal immigrants have children while they're here, officials have three choices: Deport the whole family, including the young U.S. citizens; deport the adults and break up the family; or do nothing. The last option tends to win out. The critics say that "birthright citizenship" rewards, and thus stimulates, illegal immigration. Illegal immigrants know that they can drastically reduce their chances of being deported if they have children.

The children of illegal immigrants also impose costs on the taxpayer. Steven Camarota of the Center for Immigration Studies, a think tank that favors restrictions on immigration, has studied the impact of illegal immigrants on the federal budget. He finds that while they often pay payroll taxes and do not use welfare or Medicaid disproportionately—both facts run counter to popular wisdom—they nonetheless cost the federal government $10 billion a year. (CIS was also the source for the one-in-ten-children estimate with which this article began.) Some state governments also suffer substantial losses. The Federation for American Immigration Reform, another restrictionist group, estimates that educating the children of illegal immigrants and providing other services cost California $10 billion in 2004.

Most countries don't offer birthright citizenship. The Republican platform in 1996, during the last high tide of anti-immigration sentiment, called for America to join the majority. President Bush's men took that line out of subsequent platforms; it didn't fit with his pro-immigration, compassionate conservatism.

Now Rep. Nathan Deal, a Republican from Georgia, is worrying the White House with a bill to end automatic citizenship for the children of illegal immigrants. He has 81 co-sponsors, all but one of them Republicans.



*Rep. Nathan Deal wants a new deal.*

Deal says that birthright citizenship is a "magnet for illegal immigration." It is also based, he says, on a (longstanding) "misinterpretation of the Fourteenth Amendment." The first words of that amendment read, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

Sen. Charles Schumer quoted those words during his questioning of Supreme Court nominee Samuel Alito. He pushed Alito to agree with him that they clearly required citizenship for all children born in America. "Do you agree this is a fairly clear and straightforward provision of the Constitution?" asked the senator. Alito responded that there were active disputes about the meaning of the phrase "subject to the jurisdiction thereof," some of which could come before the Court, and therefore he declined to answer.

Schumer kept pressing him about the amendment's "clear language." "What imaginable argument could there be for a statute that Congress could deny the citizenship to those born in the United States, say, on the grounds that their parents were illegal aliens?" And again: "I simply ask you to give us an interpretation of one of the most direct and clear provisions in the United States Constitution."

Schumer is wrong. The language isn't clear and direct. "Subject to the jurisdiction thereof" is a legal term of art, not immediately accessible to laymen. Our instinct is to think that it means "subject to the *laws* thereof." We assume that the amendment is saying that anyone who is born here, and can be prosecuted under our laws, is a citizen. But there are problems with that interpretation. For one thing, almost everyone on U.S. territory has to obey U.S. law. The common reading of the amendment thus reduces that qualifier, "and subject to the jurisdiction thereof," to meaninglessness. Normally, constitutional provisions are interpreted on the assumption that each word matters.

John Eastman, a law professor at Chapman University who also directs the Claremont Institute's Center for Constitutional Jurisprudence, argues for an alternative reading. He notes that the language of the amendment, proposed in 1866, was designed to provide a constitutional basis for the Civil Rights Act of 1866, which gave citizenship to "all citizens born in the United States, and not subject to any foreign power." He also points out that Sen. Lyman Trumbull, one of the leading supporters of the Fourteenth Amendment, said that the phrase meant subject to the "complete" jurisdiction of the United States—that is, "not owing allegiance to anybody else."

Sen. Jacob Howard, who introduced the provision in the Senate, agreed, explaining that children in Indian tribes, though subject to American jurisdiction in some respects, would not qualify for citizenship under the amendment. An amendment to make that clear was rejected as redundant.

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The Supreme Court initially followed this reading. Thomas Cooley's influential 19th-century treatise on constitutional law also distinguished between a "qualified and partial jurisdiction" that subjected people to American laws, and the "full and complete jurisdiction" that qualified them for citizenship.

In 1898, however, a divided Supreme Court read birthright citizenship into the amendment—the interpretation that has prevailed ever since. (The Court did not, however, explicitly comment on the status of children born to people who were here illegally.)

Representative Deal and his colleagues are probably right to say that the Court got it wrong: The Constitution, as originally understood, does not demand birthright citizenship. It's something that Congress ought to be able to bestow—or take away. But whether congressmen should try to take it away, at least for the children of illegal immigrants, is a different question.

For one thing, it is extremely unlikely that Deal's bill will become law. Compare it with the cause of limits on immigration levels. Such limits are pretty popular with the public, according to polls, but have aroused such fierce opposition among media, political, and business elites that they have not been made into law. Ending birthright citizenship would arouse even fiercer elite opposition, but without public support. In a Rasmussen poll from last November, opponents of birthright citizenship held a mere 49 to 41 percent edge. And that's with wording favorable to their cause.

Deal does not think that his bill will set back Republicans' efforts to increase their share of the Hispanic vote. "Those who come to our country the right way, legally, are the very ones, regardless of their national origin, who are asking us to do something about illegal immigration." It's true that legal immigrants tell pollsters that they would like curbs on illegal immigration. That doesn't mean, however, that they will react well to Republican politicians who call for restrictions. Most Hispanics are likely to be outraged if Republicans appear to go after Hispanic children. Suburban moderates will conclude that Republicans are punishing children for the sins of adults—and they won't be entirely wrong. Many Republican congressmen will oppose Deal's bill on principle, and others will consider it political poison. The Democrats will attack it at every turn.

But let's say it somehow manages to pass Congress anyway. And let's say the president decides that he no longer cares about being seen as a compassionate conservative, and signs the law. It still won't take effect: It's a safe bet that the courts won't allow it, whether or not they should. In other words, even making assumptions that are helpful to the bill's proponents, the energy spent getting it enacted will be wasted.

If the number of illegal immigrants can be brought down—by, for example, stepping up enforcement at the border and the workplace—the fact that their children are counted as citizens will be less of a problem, too. The problems that Deal and his colleagues attribute to birthright citizenship are more truly the consequences of a failed immigration policy. That policy is what needs to be fixed. As Mark Krikorian, the head of CIS, puts it, "When the bathtub is overflowing, you turn the faucet off before you try to mop up the water."

If birthright citizenship were ended without that larger policy reform, we would likely wind up with large numbers of families who would stay here for generations but never become citizens. Do we really want to adopt the German model of immigration?

Opposition to birthright citizenship is often found among opponents of the president's guest-worker proposal. But it is a more natural cause for the *supporters* of that proposal. If you want to invite workers here temporarily and deport those who overstay their welcome, you had better make sure that any children they have while here aren't citizens. (If, on the other hand, what you really want is a permanent increase in immigrant labor and are merely selling it as temporary for political reasons, you wouldn't care.)

Deal's legislation may be an understandable expression of frustration with the federal government's failure to control the borders. But ending birthright citizenship is not a crucial piece of immigration reform. It's a costly distraction from it. **NR**


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■ PUBLIC POLICY III

# The Worst Bill Money Can Buy

## Revisiting asbestos—again

KATE O'BEIRNE

CLAIMS to compensation for alleged asbestos-related illnesses prompted the Supreme Court to call for congressional action to deal with the "elephantine mass" of litigation. Six years later, Republicans are poised to pass an elephantine mess of legislation. Many Republican senators don't wish to see this bill—which they have roundly criticized—become law. But the need they feel to "move the process along," an intense multi-million-dollar lobbying campaign, a desire to help victims and corporate defendants while reining in plaintiffs' attorneys, and widespread misinformation may cause them to vote for the bill anyway. The result could be a costly asbestos-liability reform that leaves taxpayers holding the bag for tens of thousands of dubious claims.

Asbestos litigation over the past 20 years has been abusive to both victims and businesses. Lawmakers recognize the significant drain on the economy, and the hindrance to American competitiveness, when scores of corporations face unlimited liability to questionable claims arising from asbestos exposure. Corporate defendants have already paid out $70 billion, and 80 companies have gone into bankruptcy. Plaintiffs with no asbestos-related illnesses have won compensation, and trial attorneys' fees have eaten up as much as 40 percent of recoveries while worthy plaintiffs wait years and collect only pennies on every dollar awarded. Although state reforms have ended some of the abuse, and investigations of doctors who have allegedly made thousands of fraudulent diagnoses are underway, there is still no clear end in sight. Cancer rates from asbestos exposure are down, but there were still 100,000 new claims last year. Over 600,000 claims are currently pending. Congressional action in behalf of deserving plaintiffs and beleaguered defendants would be appropriate.

Sen. Arlen Specter took it upon himself to design the solution that had eluded Congress. Previous efforts had failed to satisfy the competing demands of plaintiffs, defendants, and trial lawyers. As chairman of the Judiciary Committee, Specter had a choice. The bill could be a GOP product in need of a handful of Democratic supporters, or a collaborative effort with the ranking Democrat on his committee. He chose the second option, and the result is the Specter-Leahy reform, "anchored on the left" by its Democratic cosponsor, as one Senate critic of the legislation puts it. Even so, its passage has been a top priority for majority leader Bill Frist because it's on his "to do" list, and both Senate Republicans and the White House are wary of crossing Specter, whose cooperation is crucial in judicial-confirmation battles.

The Specter-Leahy bill—the Fairness in Asbestos Injury Resolution (FAIR) Act—has been no more successful than previous efforts to meet the different players' demands. With the insurance industry largely opposed to the bill, the business community divided, and the plaintiffs' bar against it (in the name of helping the victims who have proved so lucrative), the FAIR Act has produced the richest lobbying contracts in recent Washington memory. It is also, unfortunately, just about the worst bill money can buy.

"It seems [the parties] fighting over the asbestos legislation have hired every lobbyist in town. It's all the senators are hearing about," explains a Senate aide. The fight is over the creation of a $140 billion federal trust fund, administered by the Department of Labor, to which business and insurers would make payments in exchange for being shielded from liability for asbestos claims in the courts. Claimants would then be compensated with money from the trust fund. Defendant corporations would pay about $90 billion, and insurers about $46 billion, over the next 30 years. Another $4 billion would come from other trust funds already created to pay the claims of bankrupt companies. Many pending court claims would remain outside the new trust fund's compensation system. Should the trust fund run out of money, the claims within its framework would revert to the courts.

Critics in the insurance industry point out that the eligibility criteria adopted in the bill are weaker than the criteria established by many state reforms. The bill creates payment amounts for victims based on nine claim levels. Because some claimants could establish their eligibility simply by showing that they had undergone occupational exposure to asbestos, critics fear that thousands of people with the most dubious claims would seek payments. The Congressional Budget Office (CBO) allows that "there is a significant likelihood that the fund's revenues would fall short of the amount needed to pay valid claims, debt service, and administrative costs," and concludes that "the final outcome cannot be predicted with great certainty." The CBO also estimates that the trust fund will require a staff of 700, costing nearly $1 billion over ten years, to administer the program. Experience suggests that actual costs will end up being higher than the projections. When the Black Lung Disability Trust Fund was established in 1969, its total cost was estimated to be $3 billion. By 1976, when the program was to end, it had cost $4.5 billion. Did I say end? The program lives on—through 2004, its total cost had been $41 billion.

Large businesses with deep pockets, the favorite targets of plaintiffs' attorneys, back the bill because they are desperate for relief. The Asbestos Study Group, whose members include GE, Honeywell, Dow Chemical, and General Motors, has spent $23 million on lobbying contracts with one Democratic firm alone, in the futile hope of winning Democratic support for a bill that trial lawyers, the party's most loyal and generous contributors, vehemently oppose. (Harry Reid has threatened to block Senate action on the bill.)

Under the FAIR Act, trial lawyers would have their fees capped, and would receive *only* about $7 billion through the trust fund's no-fault system, a fraction of the take they could expect from tort litigation. Large corporations, on the other hand, stand to save plenty. GE, for example, which has spent hundreds of millions on past expenses related to asbestos litigation, would pay $27.5 million a year to the trust fund.

Smaller corporations, many of them well insured against asbestos claims and



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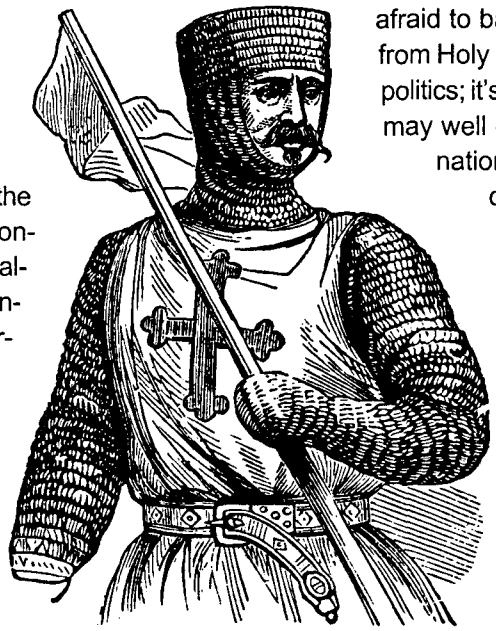
# Catholic *ATTITUDE*

Have you ever wondered why so much of Catholicism is gutless, anemic, and wimpy these days? Is it because there are so many touchie-feelie types in the priesthood? You know, "Let's all hold hands now and sing 'All Shall Be Well,' and then let's give one another a big hug." It's like being back at some goofball summer camp.

And we get campfire sermonettes with all the substance and nutrition of a marshmallow. Where's the beef? We rarely, if ever, hear anything about the Church's teachings on abortion, contraception, euthanasia, homosexuality, premarital sex, pornography, consumerism, the indissolubility of marriage, Purgatory, or Hell.



But we *do* hear about the Church's "controversial" teachings from the newspapers and the evening news, which of course put the worst spin on them and never give the rationale for them. Rarely will a priest or religious instructor explain *why* the Church teaches as she does, much less with conviction and passion. How pathetic!

We sit around hearing from fey priests about tolerance and diversity, and how all religions are equally true — but since the various religions teach radically different things, that's patent nonsense. Hey, it's time to get rid of those pablum pushers and replace them with real men.

Are you ready for a Catholicism with backbone? We've got it at the NEW OXFORD REVIEW. A robustly orthodox Catholic monthly magazine, we don't shy away from the "hard" teachings of Christ and His Bride, the Church. We know why we're Catholic, and we're not ashamed to tell the world about it.

Our degenerate culture has seduced much of the Church. And many of our Catholic leaders play lovey-dovey with the culture, the Culture of Death. Case in point: Most of our bishops are deathly afraid to bar pro-abortion Catholic politicians from Holy Communion. This is not a matter of politics; it's a matter of saving souls, souls who may well eat and drink unto their own damnation (1 Cor. 11:29). Is it that many of our bishops would rather be popular than save souls?

In the clerical sex scandals, over 80% of the predations involved boys. Homosexuals must be eliminated from the seminary, priesthood, and episcopate. You don't put men with same-sex attractions in an all-male environment.

Pope Felix III said, "Not to oppose error is to approve of it." Silence is *not* golden; it's yellow. We've got "attitude" (says Karl Keating) and "cheek" (says *Newsweek*), and we're "aggressive" (says the *Hawaii Catholic Herald*).

Among those who've written for us are Walker Percy, Alice von Hildebrand, Piers Paul Read, Thomas Storck, Tom Bethell, and Michael S. Rose (whose book *Goodbye, Good Men* exposed the homosexual rot in many of our seminaries).

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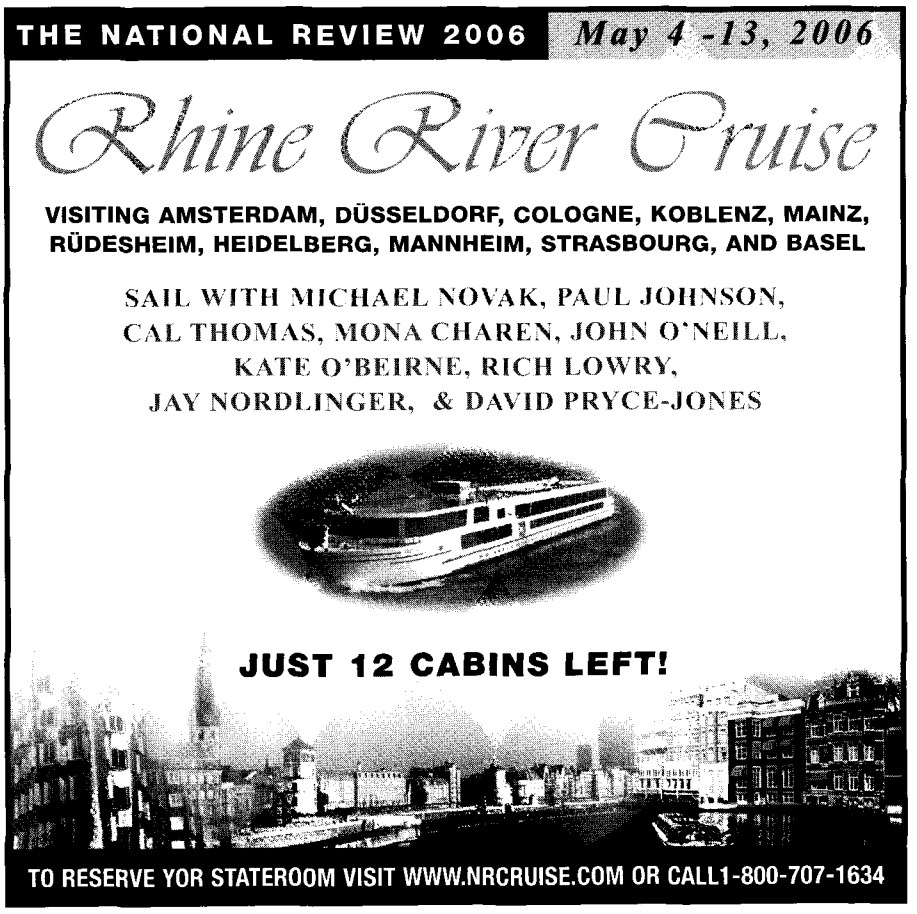
subject to liabilities as small as $75 million ("small," that is, by asbestos standards), oppose the bill because they could wind up paying about the same yearly amount as GE. The bill would abrogate their insurance agreements, and would require them to make payments far larger than they would with the benefit of their insurance. These smaller companies have their own army of lobbyists deployed to argue about the unfair cost-shifting they believe the bill represents.

Insurers opposed to the bill, also well represented by K Street, note that the cost of the $140 billion trust fund has "skyrocketed" from the Rand Corporation's estimate that $75–80 billion would be sufficient to compensate seriously injured claimants once litigation costs and uninjured claimants were removed from the compensation equation. Because many claimants will remain in the current tort system, insurers object to being held liable under the FAIR Act's parallel compensation scheme. The bill also doesn't provide the finality insurers seek. The number of claimants who would be eligible for money from the trust fund is unknown, and the payment criteria could expand over time. Given the rich compensation benefits and weak eligibility requirements, insurers anticipate a reversion to the tort system, which could expose them to additional liability with no credit for the payments they had already made to the trust fund. (Others argue that Congress would never permit a reversion to the abusive, dysfunctional tort system, and so anticipate a taxpayer bailout.)

When the Specter-Leahy bill was approved by the Judiciary Committee last spring, Republicans who voted for it in order "to move the process along" raised all of these concerns. They said that the bill would have to be fundamentally revised before it was considered by the full Senate. It hasn't been. Now they are again being urged by Senators Frist and Specter to approve the fatally flawed legislation. If they remain willing to vote for bills they don't want to see become law, this complicated, expensive, unsustainable new entitlement is likely to move right into the statute books. **NR**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■ CULTURE WATCH

# Unenlightened

As extremist Muslims react to the Danish cartoons, the Enlightenment doesn't look so bad, huh?

THEODORE DALRYMPLE

WHERE do you get a Danish flag to burn when you live in Damascus or Karachi? I am not sure that I would find it easy to come by one, and I live in France, a fellow member of the European Union. In fact, I don't think I could even find a French flag to burn in the streets of my nearest town (though I confess that I am not an experienced flag-burner).

Moreover, Damascus is not the kind of place where spontaneous demonstrations happen: A genuine expression of mass popular sentiment there would be a revolution, not a demonstration. Let us also not forget that the Syrian regime is itself secularist and therefore anti-Islamic, at least in theory. Islam is to Assad what Russian Orthodoxy was to Stalin during the Second World War.

Nevertheless, the fury belatedly expressed by the public in the Muslim world after its attention had been maliciously brought to the cartoons first published four months ago in Denmark is as genuine as any ersatz or kitsch emotion ever is. There is a great deal of pleasure, after all, to be had from indignant outrage, especially when there isn't much else in your life. The polities of Islamic countries tend to ensure that this is true of a large proportion of the population.

The psychology of the Muslim extremists in Europe and the Middle East strongly reminded me of something, though at first I couldn't quite put my finger on what it was. Eventually I realized: They are like the inhabitants of our ghettoes who demand something that they call

Mr. Dalrymple is a contributing editor of *City Journal*, and the author most recently of *Our Culture, What's Left of It: The Mandarins and the Masses*.



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"respect," and which they extort by fear for lack of any other means by which to earn it.

The Muslims are not deceived by the pusillanimous apologies of the Danes, or the odious, unctuous, and fatuous expressions of sympathy and understanding for their feelings that have emerged from official circles in Britain and America, in a vain and cowardly attempt to defuse the situation by a precipitate though insincere abandonment of the best values of the Enlightenment. Would Voltaire have caved in so cravenly?

The Muslim extremists know perfectly well that the West does not respect them, and that the only way they can cut a figure in the world is by terror. Technologically, scientifically, artistically, philosophically, economically they are nullities: but they know how to be vicious, and that makes up for every other defect. If the world will not listen to their tedious religiose lucubrations, it will at least pay heed to their bloodcurdling threats. Each expression of pseudo-understanding is music to their ears: They know that threats of mass decapitation and killing in the streets à la Theo van Gogh have worked. It is an open invitation for more of the same.

The problem is not only for Western democracies, of course, which so far have demonstrated a lack of resolve comparable only to that of Chamberlain and Daladier in the face of Hitler, though without the extenuating circumstances (Chamberlain, at least, had a genuine and humane horror of war). The problem for Muslim countries is even worse.

Whatever the doctrines of Islam, it is a fact that there are countless Muslims who are content to live and let live, and who are by no means religious fanatics. I have traveled fairly widely in the Islamic world, and have met almost everywhere with kindness and hospitality. In some respects, Islamic societies are notably superior to our own: It is—or used to be—safer to walk in a Cairo slum than it now is in the best parts of the West End of London. People behave in a more dignified manner than among us: There is very great poverty in Cairo, for example, but not the willful degradation, at least in public, that you see almost everywhere in the West.

The problem is that Islam seems to allow no way of institutionalizing moderation, beyond Mubarak-style repression. Just as left-wingers used to say that there are no enemies to the left, for fear of losing caste and being branded right-wing, so Muslims, especially those in power, find it difficult to admit to enemies claiming religious purity, for fear of being branded anti-Islamic.

Hence a newspaper editor in Jordan was not only dismissed but imprisoned for daring to write that the Muslim reaction to the cartoons was excessive, and to call on Muslims to be sensible. It seems to me likely that the Jordanian ruling class agreed with this, but dared not do so in public, or even allow it to be thought that it didn't object very strongly to it. Otherwise it could be presented as being lukewarm in the defense of Islam.

ALI JARE KJI/REUTERS

*Amman, Jordan, February 2006*

And this in turn is because no Islamic country of which I am aware will allow even closely argued intellectual public criticism of Islam of the kind that Christianity has now had to withstand for hundreds of years. If you can't criticize Islam publicly, there can be no moderation founded upon anything except force, which is not only susceptible to counterforce, but intellectually and emotionally incoherent. It is surely emblematic of the extremely fragile existential position of Islam that a scholarly book such as Ibn Warraq's *Why I Am Not a Muslim* is not widely available in Muslim countries, to put it mildly (unlike *The Protocols of the Elders of Zion*, for respect is a strictly one-way street in the opinion of many Muslims).

In other words, what we are seeing is the confrontation of a society with a pre-Enlightenment way of thinking with a society with a post-Enlightenment way of thinking. And however much we may criticize the Enlightenment, as being in some respects shallow, or as leading to the destruction of any transcendent meaning to human life, the irreducible fact is that we are all children of the Enlightenment, and when—as now—we see the freedom that the Enlightenment wrought challenged in so intellectually primitive and thuggish a way, we realize for once how very much we owe to the Enlightenment. You don't really appreciate something until you have lost it, or at least are in danger of losing it; and no philosophical critic of the Enlightenment has ever really wanted to live in a pre-Enlightenment society.

If in Islamic countries free criticism of the religion were allowed without endangering the lives of the people who criticized it, then the Danish cartoons would have been gratuitously offensive and reprehensible, because quite unnecessary, as are all the gimcrack works of art such as *Piss Christ* that so offend the Christian sensibility. But the fundamental objection to the cartoons was not that they were offensive, but that they were pointed, albeit rather crude, criticism.

The fundamental problem of the Muslim world is that it wants the material fruits or benefits of the Enlightenment without the Enlightenment itself. A considerable proportion of the large migrant population from Islamic countries to Europe has wanted this too, which is why many such migrants are notably less successful in their adopted countries than their Hindu, Sikh, and Chinese counterparts.

Muslims have been trying to square this circle for well over a century, since they first became aware of just how retarded they were by comparison with a civilization that theirs once more than equaled. Like the inhabitants of the ghetto, they want the respect of the rest of the world without wishing to do the things necessary to obtain it. Is it not a deeply humiliating reproach to Muslims that many in the nations where the Danish legations were burned down would love to live in Denmark, if only they were allowed to do so, cartoons of Muhammad or no cartoons of Muhammad? **NR**



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■ NATURE

# Long Live the Monarchs!

## The struggles and triumphs of our favorite butterflies

JOHN J. MILLER

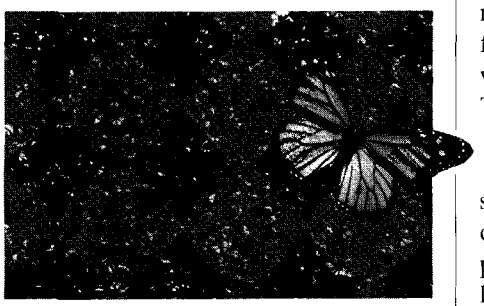
For more than a week, the skies over the highlands of central Mexico were almost cloudless. But on January 12, a storm blew in from the Pacific Ocean, dumping rain and snow everywhere. Even after the bad weather had moved off, temperatures hovered around the freezing point and often dipped below it. For the monarch butterflies that spend the winter in the region, the cumulative effect was devastating. Researchers believe that half a billion of them—about 75 percent of the population—were wiped out. It was a biological disaster.

That was four years ago. Last winter the numbers looked even worse, reflecting the fewest monarchs on record. This time the culprit wasn't a storm in Mexico, but a wet and cool summer in the upper Midwest, the monarch's primary breeding range. Once again, the cruel forces of nature seemed to conspire against the species. "I would say the monarch is in a precarious situation now," said Lincoln Brower, America's dean of monarch experts who is also a biologist at Sweet Briar College in Virginia. From him and others, there was talk of "permanent devastation" to the species.

Today, however, the monarchs have made a comeback—and I couldn't be happier. You see, I've grown up with these bugs, spending a portion of nearly every summer of my life in northern Michigan at the cottage that my grandparents built back in the 1960s. There's plenty to do Up North (as we natives call the area), and one of the things I've always done is to seek out monarch caterpillars and then raise them into butterflies. As Vladimir Nabokov once wrote, "I have often dreamt of a long and exciting career as an obscure curator of Lepidoptera in a great museum." I know exactly what he was talking about.

Nabokov was fascinated by a certain breed of blue butterfly in South America. By my reckoning, however, nothing can compare to the orange-and-black monarchs of North America. They possess everything you expect from a butterfly: sparkling color, lively fluttering, and a fondness for flowers. Yet there's something else about the monarch that makes it like no other creature: With a four-inch wingspan, it embarks on a stunning migration to Mexico each year, often covering more than 2,000 miles in a trek that is a wonder of the natural world.

A typical member of the Lepidoptera family is likely to spend the winter hibernating in a chrysalis or a cocoon. But the monarchs I raise each summer fly all the way from Michigan to Michoacan, a Mexican state a bit west of Mexico City. It was once calculated that a 6-foot-tall person would have to walk around the planet eleven times in order to perform a comparable feat. So while the march of the penguins may be impressive, I prefer the flight of the butterflies.



FRANS LANTING/CORBIS

I've informed my wife—not a bug lover—that at some point in our lives she can expect to take a trip with me to Mexico to see the butterflies in the winter. Although they will have departed from points all over the eastern United States and Canada, millions of them will settle in just a handful of Mexican colonies, where they perch for months on oyamel fir trees. The butterflies cluster together so closely that they bend tree limbs, taking up such little space that the precise location of their wintering grounds wasn't even discovered until 1975, by the amateur naturalist Kenneth C. Brugger. It has been observed that when the monarchs open their wings on warm days, the effect is like looking at a stained-glass window in the middle of a mountain forest.

Although these butterflies look fragile and weak, they are in fact resilient and, as we have seen, capable of dramatic comebacks. For them, cycles of crash and boom are just a way of life. This year's winter population, according to initial estimates by Monarch Watch, a group based at the University of Kansas, probably fills 12 to 17 acres. That's about average—and this year, average is anything but routine. A year ago, the Mexican colonies totaled only 5 acres. "I thought we were looking at a real decline," says Karen Oberhauser, a University of Minnesota biologist. "Now I'm cautiously optimistic."

Even so, monarchs remain severely threatened. In Mexico, illegal logging—much of it done by poor farmers in need of firewood—has reduced the butterflies' range. The World Wildlife Fund claims that, between 1971 and 1999, monarchs lost about 40 percent of their winter habitat. The species is not listed as endangered because there are separate populations in California that don't travel south of the border, but the great Mexican migrants might be only a few harsh seasons away from catastrophe. "They could slip to a vanishingly small number," warns Chip Taylor of the University of Kansas.

To think that one day monarchs may become rare—or even gone—makes me sick to my stomach. And I'm hardly the only one. Monarchs are perhaps the most popular insect in the United States, or at least a close second behind ladybugs. Because of this, they have become a kind of poster child for environmentalists. The Sierra Club has published full-color glossy books about them.

But while many greens have done a good job building awareness about the plight of the monarchs, others have not hesitated to exploit them for entirely different purposes. Global-warming doomsayers, for example, have tried to use the monarch to make an emotional appeal about the dangers of climate change. Even worse have been the exploitations of the anti-biotech groups, which in 1999 hailed a study that seemed to show that the pollen from genetically modified corn, when dusted on the milkweed plants that monarch caterpillars consume, acts as an insecticide. This finding attracted enormous attention around the world, causing many people to question the value of an increasingly common



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food source. Even though there are no monarchs in England except for the human kind, Prince Charles felt compelled to chime in: "If [biotech] plants can do this to butterflies, what damage might they cause to other species?"

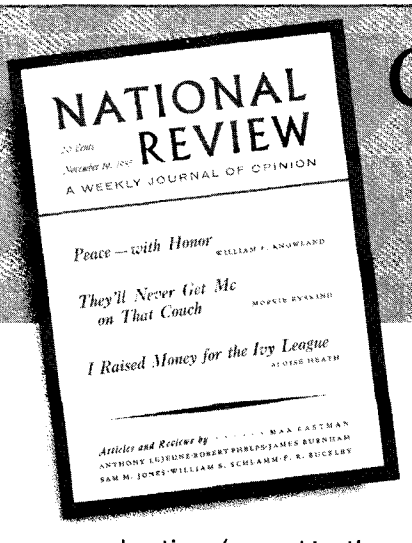
As it turned out, the original study was so contrived as to have virtually no real-world applicability: It merely showed that force-feeding the pollen to young caterpillars in a lab would kill them. This didn't even come close to replicating what would happen in the wild. "Traditional pesticides are actually a much bigger threat than biotech corn ever will be," says John Foster, an entomologist at the University of Nebraska. "A lot more monarchs die on the grills of 18-wheelers than they do from farmers who plant biotech crops."

The real problems that monarchs face are sadly more serious than biotech corn, especially in Mexico. "It's a classic tragedy-of-the-commons scenario," says R. J. Smith of the Competitive Enterprise Institute. As a legacy of the Mexican Revolution, the areas inhabited by monarchs theoretically belong to the Mexican people. "Without clear lines of ownership or property rights, everybody feels like they have a right to live off the land," says Smith. Eco-tourism is a source of some local revenue, but not enough, and logging remains too economically attractive for many poor villagers to resist. There have been attempts to establish compensation schemes—using American philanthropic dollars to turn the tree-cutters into tree-huggers—but so far these haven't reversed the region's deforestation. Perhaps a few market principles would: Mexican officials might sell key tracts of land to private investors, who could then manage their own monarch habitats while charging admissions fees for visitors.

In the United States, both government and private efforts are helping somewhat. The North Carolina Department of Transportation, for example, has set aside more than a dozen sites along roadways for monarch habitat. Other highway departments could make a big difference merely by changing their mowing practices, as roadsides provide an ideal habitat for both milkweeds and the monarchs that rely on them. Monarch Watch encourages landowners to grow patches of milkweed known as "monarch waystations," while groups such as the Monarch Larva Monitoring Project and Journey North are teaching adults and schoolchildren about how to pitch in.

It's clear that even the smallest efforts can matter. In the outdoors, a female monarch can lay more than 300 eggs, but most of the caterpillars that hatch never become butterflies—perhaps 95 percent fall victim to spiders or other predators. The simple practice of removing these caterpillars from the outdoors, raising them in captivity, and then releasing them after they've transformed into butterflies—an excellent activity for kids, as I'm finding with my own—may help preserve the species.

Chaos theory has taught us that tiny changes in early conditions can produce incredible differences in long-term results. It's called the butterfly effect. **NR**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■ COVER STORY

# Phoney Baloney

## That's what George Clooney and the rest of the Oscar crowd have served up

MARK STEYN

IN Heinrich Mann's novel *Der Untertan*, written just before the Great War, the central character, Diederich, is asked by Buck, "You do not know whom history will designate as the representative type of this era?"

"The Emperor," says Diederich.

"No," replies Buck. "The actor."

And how. George Clooney's triple Oscar nominations for acting, writing, and directing are said to be a significant moment in the life of the nation, and not just by George Clooney, though his effusions on his own "bravery" certainly set a high mark. "We jumped in on our own," he said, discussing *Good Night, and Good Luck* with *Entertainment Weekly*. "And there was no reason to think it was going to get any easier. But people in Hollywood do seem to be getting more comfortable with making these sorts of movies now. People are becoming braver."

Wow. He was brave enough to make a movie about Islam's treatment of women? Oh, no, wait. That was the Dutch director Theo van Gogh: He had his throat cut and half-a-dozen bullets pumped into him by an enraged Muslim who left an explanatory note pinned to the dagger he stuck in his chest. At last year's Oscars, the Hollywood crowd were too busy championing the "right to dissent" in the Bushitler tyranny to find room even to namecheck Mr. van Gogh in the montage of the deceased. Bad karma. Good night, and good luck.

No, Mr. Clooney was the fellow "brave" enough to make a movie about—cue drumroll as I open the envelope for Most Predictable Direction—the McCarthy era!

How about that? I don't know about you but I was getting so sick of the sycophantic Joe McCarthy biopics churned out year in year out—Nathan Lane in *McCarthy! The Musical* was the final straw—that thank God someone finally had the "bravery" to exercise his "right to dissent." I only hope George Clooney isn't found dead in the street at the hands of some crazed nonagenarian HUAC member.

He's got some tough competition, of course. This year's five Best Picture nominees are all "films that broach the tough issues," as *USA Today* put it: "*Brokeback* and *Capote* for their portrayal of gay characters; *Crash* for its examination of racial tension; *Night* for its call for more watchdog journalism; and *Munich* for its take." Whoops, my mistake. That should be "*Munich* for its take on terrorism." In their combined take at the box office, these Best Picture nominees have the lowest grosses since 1986. That means very few people have seen them. Which in turn means these Oscars are likely to have the lowest audience ever. Okay, maybe not *ever*. In 1929, they handed them out to an audience of 270 in the Blossom Room at the Hollywood Roosevelt Hotel, and no doubt by the time you add in overseas viewership from the many chapters of the Jon Stewart Fan Club this year's audience will be up around 309.

The fact that hardly anybody has seen these films does not in and of itself mean that they're not artistic masterpieces. That's why the Oscars are important: They can shine a light on undeservedly neglected art-house jewels that might otherwise get overlooked. But you couldn't exactly call *Brokeback Mountain* overlooked. It's the Jungfrau, it's the peak of cinematic achievement. It's an Everest papered from base camp to summit in rave reviews. And in the week the Oscar nominations were announced the world's most ballyhooed art-house obscurity added another 435 theaters to its outlets—and business declined 13 percent.

Maybe it's because Americans are homophobes. Or maybe it's because these films are not as "controversial" as Hollywood thinks. The more artful leftie websites have taken to complaining that the Religious Right deliberately killed *Brokeback* at the box office by declining to get mad about it. Look at Tinky-Winky in the Teletubbies: Those fundamentalist whack-jobs denounce him as an obvious fruit and the guy never looks back—he's at his beach house in Malibu sipping margaritas and eyeing up the poolboy. But make a film that's hailed as a gay masterpiece and Pat Robertson can't even arrange a lousy multiplex in Dubuque that gets struck by lightning just for showing it.

### TRUE ROMANCES

Well, who knows? Perhaps next time they should make it two gay sheep herders in, say, Medina, or a gay Pashtun goatherd and a gay Uzbek warlord: *The Mohammedans Go to the Mountain*—that should light up the box office. Or perhaps they could make *Broke Back Toutin'*, a film about an American media utterly exhausted by its frantic efforts to flog these movies to a general audience. As it is, Hollywood's new reputation for "serious" "challenging" "works" seems merely the dinner-theater production of the usual self-reinforcing Democrat-media bubble. A filmmaker makes a film about a courageous pressman and the pressmen hail him as a courageous filmmaker for doing so. Heath Ledger and Jake Gyllenhaal have nothing on the romance between George Clooney and the world's press. The "serious" press, that is, even though they sound like a cover story in *Forty-Seventeen*. Here's the *Observer* in London:

"How a Heart-Throb Became the Voice of Liberal America: George Clooney was once famous for his party lifestyle and the

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beautiful women that he dated. Now it's politics that increasingly sets his pulse racing."

And evidently the reporter's too. That ran not in the entertainment section but on the news pages. "I'm an old-time liberal and I don't apologize for it," Clooney told *Newsweek*.

Good for him. And certainly, regardless of how liberal he is, he's undeniably "old-time." I don't mean in the sense that he has the gloss of an old-time movie star, the nearest our age comes to the sheen of Cary Grant in a Stanley Donen picture, but that his politics are blessedly undisturbed by any developments on the global scene since circa 1974. Clooney's other Oscar movie, *Syriana*, in which he stars and exec-produces, reveals that behind a murky Middle East conspiracy lies . . . the CIA and Big Oil! In *Good Night, and Good Luck*, he's produced a film set in the McCarthy era that could have been made in the Jimmy Carter era. That's to say, it takes into account absolutely nothing that has come to light in the last quarter-century—not least the relevant KGB files on Soviet penetration of America. To take one example that could stand for Clooney's entire approach to the subject, *Good Night* includes shocking scenes of Senator McCarthy accusing Annie Lee Moss, who worked in a highly sensitive decoding job in the Pentagon, of being a Communist, and the heroic Edward R. Murrow then denouncing McCarthy's behavior.

But we now know, from the party's own files, that Miss Moss was, indeed, a Communist. What should we conclude from the absence of this detail in the picture? That Clooney, who goes around boasting that every moment in the screenplay has been "double-sourced" for accuracy, simply doesn't know she's a Commie? Or that he does know but thinks it's harmless? That she, like he and Tim Robbins and Susan Sarandon, is merely exercising her all-American "right to dissent," in her case in the Pentagon Signal Corps' code room? If so, that's a subtly different argument than Murrow was making: It's one thing to argue that it's all a paranoid fantasy on the part of obsessed Red-baiters, quite another to shrug, hey, sure they were Commies, but what's the big deal?

Or is it that Clooney doesn't care either way? That what matters is the "meta-narrative"—the journalist as hero, "speaking truth to power," no matter if the journalist is wrong and wields more power than most politicians. Even if one discounts the awkward fact that these days CBS News is better known for speaking twaddle to power—over the fake National Guard memos to which Dan Rather remains so attached—the reality is that the idea of the big media crusader simply doesn't resonate with any section of the American public other than the big media themselves. Indeed, if you wanted to create a film designed to elicit rave reviews from the critics, you could hardly do better than a McCarthy-era story built around a Watergate-style heroic reporter, unless you made the reporter gay. The media seem to have fallen for it, with the splendid exception of Armond White in the *New York Press* who said Clooney was far more hagiographic of his subject than Mel Gibson was in *The Passion of the Christ*.

This is the Platonic reductio of political art. Say what you like about those Hollywood guys in the Thirties but they were serious about their leftism. Say what you like about those Hollywood guys in the Seventies but they were serious about their outrage at what was done to the lefties in the McCarthy era—though they might have been better directing their anger at the movie-industry muscle that enforced the blacklist. By comparison, Clooney's is no more than a pose—he's acting at activism, new Hollywood mimicking old Hollywood's robust defense of even older Hollywood. He's more taken by the idea of "speaking truth to power" than by the footling question of whether the truth he's speaking to power is actually true.

That's why Hollywood prefers to make "controversial" films about controversies that are settled, rousing itself to fight battles long won. Go back to *USA Today*'s approving list of Hollywood's willingness to "broach the tough issues": "*Brokeback* and *Capote* for their portrayal of gay characters; *Crash* for its examination of racial tension . . ." That might have been "bold" "courageous" movie-making half-a-century ago. Ever seen the Dirk Bogarde film *Victim*? He plays a respectable married barrister whose latest case threatens to expose his homosexuality. That was 1961, when homosexuality was illegal in the United Kingdom and Bogarde was the British movie industry's matinee idol and every schoolgirl's pinup: That's brave. Doing it at a time when your typical conservative politician gets denounced as "homophobic" because he's only in favor of civil unions is just an exercise in moral self-congratulation. And, unlike the media, most of the American people are savvy enough to conclude that by definition that doesn't require their participation.

**Clooney's outrage is no more than a pose—he's acting at activism.**

### A KNOWN WOMAN

These films are "transgressive" mostly in the sense that *Transamerica* is transsexual. I like Felicity Huffman and all, and I'm not up to speed with the latest strictures on identity-group casting, but isn't it a bit condescending to get a lifelong woman (or whatever the expression is) to play a transsexual? If Hollywood announced Al Jolson would be playing Martin Luther King Jr., I'm sure Denzel Washington & Co. would have something to say about it. Were no transsexual actresses available for this role? I know at least one, personally, and there was a transsexual Bond girl in the late Roger Moore era who looked incredibly hot, albeit with a voice several octaves below Paul Robeson. What about that cutie with the very fetching Adam's apple from *The Crying Game*? And, just as *Transamerica*'s allegedly unconventional woman is a perfectly conventional woman underneath, so the entire slate of Oscar nominees is, in a broader sense, a phalanx of Felicity Huffmans. That's to say, they're dressing up daringly and flouncing around as controversy, but underneath they're simply the conventional wisdom. Indeed, "Transamerica" would make a good name for Hollywood's view of its domestic market—a bizarro United States run by racists and homophobes and a poodle media in thrall to the administration.

You can certainly find new wrinkles on "racial tensions"—*Abie's*



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*Wahhabi Rose*?—but Hollywood "controversy" seems more an evasion of controversy. If you want it in a single word, it's the difference between the title of George Jonas's original book—*Vengeance*—and the title of the film Steven Spielberg made of it—*Munich*. *Vengeance* is a point of view, *Munich* is a round of self-applause for the point of view that having no point of view is the most sophisticated point of view of all—a position whose empty smugness is most deftly summarized by the final shot of the movie, the Twin Towers on the New York skyline. For a serious film, it would be hard to end on a more fundamentally unserious note.

But then it's hard to be serious when you've made a virtue of dodging the tough choices of the age. The BritLit blockbusters currently keeping Hollywood afloat—*Harry Potter*, *Narnia*, *Lord of the Rings*—may be ghastly multiplex crowd-pleasers unworthy of great artists like George Clooney but they're not a retreat to the periphery in the way that Hollywood "seriousness" is. Spielberg's lingering shot of the World Trade Center wasn't even the most exquisitely framed banality of the year. That honor goes to *The Constant Gardener*, which may yet win Rachel Weisz an Oscar for her role as a passionate anti-globalization activist who dies in mysterious circumstances. At one point Ralph Fiennes is doing his signature stare, peering elliptically into the distance, when the camera pulls back to show him as a little stick figure dwarfed by the mega-multinational pharmaceutical company's corporate headquarters he's standing outside.

Oh, come off it. *The Constant Gardener* is distributed by Universal Pictures. Don't they have a big office? If King Kong's standing outside waiting to get past security to find out why his residuals check has bounced, then Universal might look like some little Mom 'n' Pop operation. But stick any of the rest of us on the sidewalk and we'd be like Ralph Fiennes outside Big Pharma. That's Hollywood: No one lavishes more care and expense on saying nothing.

Three months after 9/11, George Clooney was asked what he wanted for Christmas. "I want," he said, "one day when nobody is getting shot at. Call a truce for a day." Our own Jay Nordlinger remarked at the time that this was "a child's response," correctly noting "the implied moral randomness . . . People are just shooting at each other, you know, and shooting at each other is bad." If you want stories about journalists, nobody was shooting on the day the *Wall Street Journal*'s Daniel Pearl had his head sawed off. If you want stories about "racial tensions," nobody was shooting on the day British expat Ken Bigley was similarly decapitated. Hollywood's "bravery" is an almost pathological retreat: It's against segregated drinking fountains in Alabama and blacklisting writers on 1950s variety shows. It's in danger of becoming an oldies station with only three records.

I noticed the other day that Nigeria now has the third biggest movie industry in the world, after Hollywood and Bollywood. In the showbiz capital of West Africa, you can make a feature for 40,000 bucks. What talk radio did to network news and the Internet is doing to monopoly newspapers, someone will eventually do to the big studios, and one day we may wind up with a Hollywood in which, as Clooney might say, nothing is getting shot. In the meantime, Danish cartoonists are in hiding for their lives but George Clooney will be televised around the world picking up an award for his bravery. **NR**

■ THE WORLD

# Up in Davos

**The annual global confab, in which the author gets pushed around by a girl, etc.**

JAY NORDLINGER

*Davos, Switzerland*

If it's the last week in January, it must be the Annual Meeting of the World Economic Forum. And so it is. The "global elites," as they're called, have gathered in this Alpine hamlet. Among them are heads of state, foreign ministers, finance ministers, the stray movie star or athlete. There's Pelé, the soccer legend, and Monica Seles, the tennis legend (though half Pelé's age). There's also Muhammad Ali, incredibly dignified in his affliction.

Passing over the movie stars, how about the heads of state? Musharraf of Pakistan is here; so is Karzai of Afghanistan. They are neighbors on very hot seats. President Bush isn't here—he has never come—and neither is Vice President Cheney. (He came two years ago, and was respectfully—if not rhapsodically—received.) But the administration is not without representation. We have Robert Zoellick, the deputy secretary of state, and Michael Chertoff, the secretary of homeland security. And, oh, yes—Condi. Condi is here. But only by video hookup, not in the flesh.

I also must mention Kofi Annan, because he swans around like an emperor. His entourage disrupts things wherever they go. This is notable, because it is unusual in Davos: This is a place where you bump into world leaders all the time—I mean, literally, in hallways, staircases, lobbies. But the secretary general of the U.N. moves amid a small army. At one point, I sort of get in the way of this army, and I'm pushed aside by an enormous bodyguard. It's like I'm made of Kleenex or something. To add insult to injury, the bodyguard is . . . a woman. Huge, hulking—maybe the largest woman I have ever seen. Not fat and not unattractive, but just . . . *big*.

In any case, Annan is a royal presence at the Annual Meeting (and there's plenty of real royalty here, too!). The endless corruption around him seems not to have made a dent—not in these parts.

I should probably say something about the businessmen, for the World Economic Forum—as its name may suggest—started out as a fairly modest business club, before it morphed into an all-encompassing behemoth. Bill Gates is here, sort of the leader of the pack, and that Texas upstart, Michael Dell. Also George Soros—though it's tough to tell whether he's more a business-world figure or a political one. Probably more the latter, by this time. And then there's Richard Branson—Sir Richard Branson, actually: playboy, adventurer, genius entrepreneur. Evidently, he pals around with Clinton (Bill, not Hillary), and they strike me as a pair made in heaven.



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## CHINESE, INDIANS—A GERMAN

Every year, the Annual Meeting has a theme, and some subthemes as well. Among the subthemes for 2006 are the emergence of China and the emergence of India. There is a robust presence from each country. Pity there's no presence from Taiwan, a free China, a plucky, endangered democracy. But there are protesters on the fringes of Davos, and not the usual, anti-globalization protesters, either: These are anti-Communist Chinese, raising banners, and raising quiet, civilized hell. The sight of such protesters does a heart much good.

The theme—the main theme—of this meeting is "The Creative Imperative." And that is the subject of the keynote address, given by Angela Merkel, the new chancellor of Germany. Klaus Schwab—the founder and executive chairman of the World Economic Forum—introduces her. He notes that, in the early 1990s, Merkel was a "Young Global Leader of Tomorrow." That's a category here in Davos. And look at her today! Dr. Schwab's system has, manifestly, worked.

I doubt you've ever seen a more unassuming-looking leader than Merkel: plain, ordinary, a real hausfrau. But when she opens her mouth, she is nothing short of extraordinary. She hits repeated notes of freedom: freedom for business, freedom for the individual, freedom for all. Her speech is essentially Reaganite, or Thatcherite. This is surprising, or at least it is to me: I always thought she was what we on the American right would call a squish—you know, sort of a German Nancy Johnson (congresswoman from Connecticut). But no—not by the evidence of this speech. Merkel sounds like a woman who grew up in a Communist country. Which, of course, she did.

Early on, she quotes her great predecessor, Ludwig Erhard, who said, "I want to prove myself by my own efforts; I want to meet the risks of life myself; I want to be responsible for my own fate. You, the state, must see to it that I'm in a position to live this way." She laments that Germany, like much of Europe, has been hamstrung: by regulation, taxation, fear. She begs her listeners not to be afraid of positive, liberalizing change. "Freedom is an elementary good for mankind," she says.

Now, this may seem Simple Simon to you, my dear American reader. But it is astonishing—and super-refreshing—out of a European leader's mouth. (Not counting the Reaganite knights of the East.) At the end of her speech, Merkel quotes James Watt—no, not President Reagan's interior secretary. That would be asking too much. The father of the steam engine, who knew the value of invention, and of perseverance. That is the spirit that Merkel wishes for today.

She may not succeed in her aims, opposed as she is by the powerful forces of conservatism and reaction. But if anybody can get creaking European machinery moving, just a bit—it's this lady, I wager. We must watch her.

## STAYIN' ALIVE

Always extraordinary at the Annual Meeting is President Musharraf. I've been with him on maybe four occasions now, and he is amazingly chipper—bright, eager, cheerful—for someone with such a miserable job (one that comes with regular assassination attempts). Musharraf talks about a variety of topics during a coffee with journalists: the recent earthquake in Pakistan; the perpetual problem of Kashmir; the War on Terror. He emphasizes that terrorism and extremism are two different things: Terrorism, you can meet by force; extremism, however, is a state of mind, "and you can't fight it militarily." But you can try to treat it, before it bursts into violence.

Someone asks why Pakistan—and India, for that matter—should have an A-bomb, and Iran, not. Musharraf responds that the only reason to have a nuclear weapon is to deter aggression. And "I don't see a threat to Iran." What about A. Q. Khan? someone else asks. Musharraf has much to say about his country's atomic salesman. But he begins with, "He has affected very adversely the name and reputation of Pakistan." And what about the Israeli–Palestinian conflict? Well, for one thing, "who would have thought that the whole Islamic world would be praying for the recovery of Ariel Sharon?"

In due course, the room grills him about the recent American raid on al-Qaeda—on Pakistani territory. Wasn't this a violation of Pakistani sovereignty? say the journalists. Doesn't this injure the pride of the nation? How can you let Imperial America run amok? Musharraf reflects and says, yes, Pakistan condemns the American raid. Yes, we are jealous of our sovereignty. But what about al-Qaeda and other foreign terrorists on Pakistani soil? Don't they count as violators? And the United States is helping us be rid of them! Pakistan has captured Sudanese, Chechens, Uzbeks, Arabs . . . If you want to talk about precious Pakistani sovereignty—why don't you ever consider them?

It may be my imagination, but I think that Musharraf sort of shames the room.

He later appears on a panel with other leaders from the Muslim world. The subject is what you might call the general crisis. Musharraf maintains that there is no conflict whatever between Islam and modernization. What there's a conflict between is Islam and Westernization. According to Musharraf, the Islamists are above all *obscurantists*: They *love* to equate modernization with Westernization. It isn't so, he says—and don't let them get away with it.

President Karzai is on this panel, too, and he is elegant in his cape, as always. He argues that Islam and democracy are not only compatible: They are practically best friends. Islam embraces equality, individual participation, protection for the unprotected, "what we would today call human rights." He says that, for many years, Islam was "one of the most advanced forms of human existence." But then something happened, a horrible halting, even a reversal. And this reversal itself needs to be reversed. When Karzai goes on in this vein, he sounds exactly—exactly—like Bernard Lewis, dean of our Middle East scholars (and author of *What Went Wrong?*, along with other important and true books).

Adorning this panel is Queen Rania of Jordan, probably the most beautiful woman in Davos—and one of the most beautiful in the world. She is a queen out of fairy tales. She speaks beautifully too, and sensibly. When she inveighs against the Islamists, she notes that they combine a "Stone Age mentality" with "21st-century technology." And that combination is responsible for much of our sorrow. It needs to be combated, she says, by humane Muslims (such as herself)—that is a calling.

A subsequent panel deals with international security, and it includes Mike Chertoff, our homeland-security chief. The most delicious moment of this hour comes in the Q&A, when a lady



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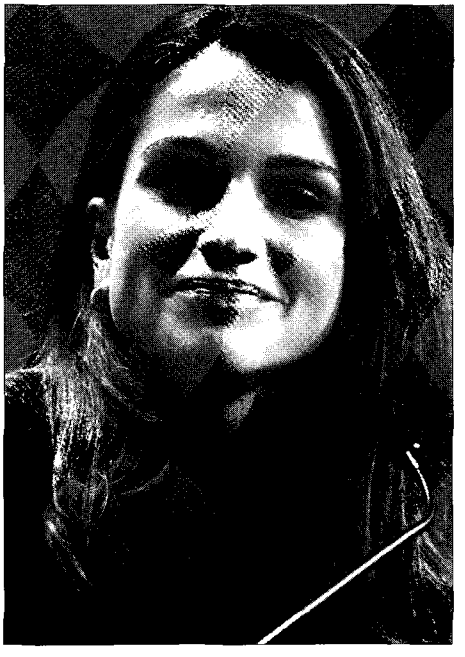
stands up and goes on about "root causes." Why do you focus so much on the "symptoms," she says, at the expense of the all-important root causes? Chertoff answers, "We focus on the symptoms because the symptoms kill you. And our first obligation is to make sure people don't get killed." He then speaks eloquently about root causes, and how to address them. But his initial answer—"The symptoms kill you"—lingers in the mind.

Chiming in is the markedly intelligent and articulate Gijs de Vries, counterterrorism coordinator of the EU. He says, "I am uncomfortable with this notion of 'root causes,' because it suggests a nice, lineal relationship between a cause and terror. The more we explore, the more we find that no such simple relationship exists." But, to be sure, there are problems that feed terror: lack of good governance, for one. Lack of freedom, really. This sort of talk acts as a tonic in the Davos air.

THE IRAQIS

The last full day of the meeting features a panel on Iraq. There are several Iraqis here, and they are the pride of the conference, as far as I'm concerned: working to establish a country under maddeningly trying circumstances. And doing it for the region, and the world, more widely, too. One of those Iraqis is the deputy prime minister, Ahmad Chalabi. He is disarmingly serene, ever smiling. He seems unaware that the multitudes—certainly the foreign-policy and media elites—hate his guts. Or maybe he's smiling because he knows it's so. He parries all questions deftly and convincingly.



*Rania, a queen out of fairy tales*

Another impressive Iraqi is Humam Hammoudi, the constitution-drafting sheik. In his black robes and turban, he expounds on the principles of government: It must not be "dirigiste"; it must be "pluralist," which Saddam's regime certainly was not. "There was no freedom of action, no freedom of speech." But the new Iraqi constitution "recognizes the rights of all." Hammoudi says that, in his conception of society, there is no law forcing women to wear a veil; then again, there is no law prohibiting them from doing so.

In sum, this Middle Eastern cleric sounds like an American civics teacher, circa 1965—before the New Left took over and everything went sour.

A third impressive Iraqi? He is Barham Salih, the minister for planning and development cooperation. He talks of the peculiar position of his country. "I regret that Iraq is in the heart of the Middle East—it would be better if we were on a remote island of the Pacific." Under Saddam Hussein, he says, "Iraq was the North Korea of the Middle East." And now "we have the chance to be the South Korea." Won't the world give Iraq some space, as it did Germany, Japan, Korea? Borrowing a strong American cliché, Salih says, "Failure is not an option." On the contrary, "failure would be a catastrophe, not only for Iraq, but for the entire region."

The last word on the panel—or one of them—belongs to Jack Straw. He is the British foreign secretary, smart and snappy. "Don't freak out," he tells the audience. "Don't freak out at the involvement of religious parties in Iraq." In Europe, lots of countries have state religions. They have Christian Democratic parties and so on. France is a very rare secular state. When home secretary, Straw himself swore in bishops. Again: "Don't freak out." Yes, don't.

BILLY J.

Taking center stage on this last day is Bill Clinton, Davos's annual heartthrob. Many remark that, this year, he looks unwell: thin, haggard, with big bags under his eyes. That may be so—but I have no doubt he can still do some damage.

Sharing the stage, Klaus Schwab asks him what his three greatest concerns for the world are. Clinton says, first, "climate change." He has become a big, big global-warmingist. Did you know that? It doesn't appear to be lip service, either (though this is very much a global-warmingist crowd); he has the look and sound of a true believer. Global warming, says Clinton, "has the power to end the march of civilization as we know it." He seems to be out-Gore-ing Gore.

His other two concerns are inequality and cultural divides. As a friend of mine points out, no terrorism, no nuclear proliferation. These don't crack the top three. Strange.

Later, he chides President Bush for not engaging with Hamas or the Iranian mullahs. Clinton does this indirectly, but clearly. He says that we should not be "scared" to talk to anybody. Thing is, Bush isn't scared—he makes such decisions out of strategic calculation. He may be wrong (though I doubt it), but it has nothing to do with fear. Remember Arafat? (Short guy, bad skin, terrorist.) During the eight years of the Clinton presidency, he was the most frequent foreign visitor to the White House. After the *Karine A*, Bush cut him off—cold. That wasn't necessarily wrong.

Anyway . . .

At the end of their colloquy, Schwab asks the 42nd president what advice he'd have for the 44th (i.e., the next one). "It could be someone in this room," says Schwab (he appears to mean John McCain); "or it could be someone you're married to." Clinton quips, "I better make it clear," given recent events, "that Senator McCain and I are not married." After the riotous laughter dies down, he says something about doing hard and necessary things—like Bush hasn't?—and "the passion for climate change" that Hillary and McCain share.

Whatever.

I duck into a men's room, and here a graffito has been scrawled: "F*** Bush." (Only there are no asterisks.) Yes, the theme this year is "The Creative Imperative." But, in one sense, the theme every year—from 2001 to 2009—could be what is spelled out in this john. Although this year has seemed notably reasonable, to me. Probably depends on what you cock your ear to. **NR**

WALTER BIEN/EPA/CORBIS



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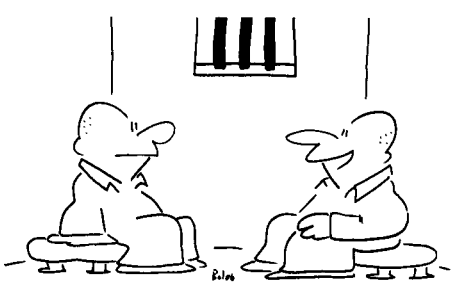
# HELP!!!!

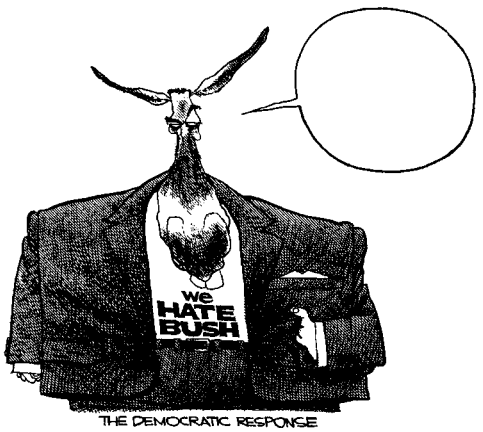
## How Goes the Base?

*Sedated as cats who just ate*
*A cage of canaries, its state*
*May best be described as content;*
*Alito's conservative bent*
*Is in for that squish, Sandra Day,*
*As Ginsburg et al. swing and sway*
*Like fronds in a Cat 5 before*
*The combers say "Hi" to the shore.*

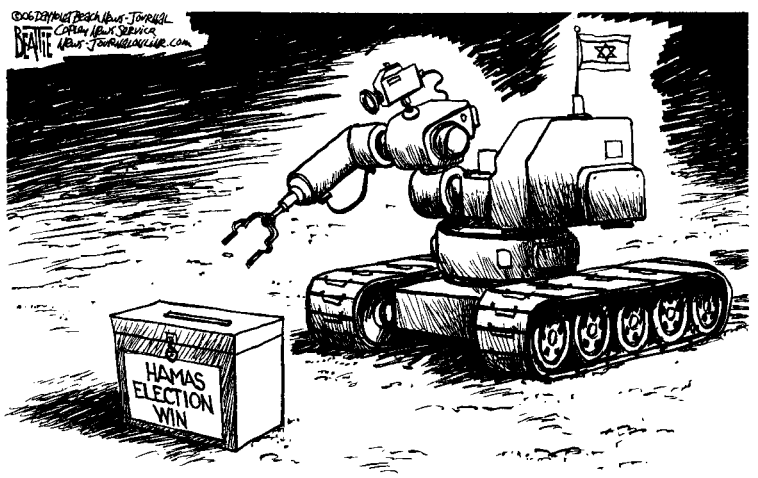
—W. H. von Dreele

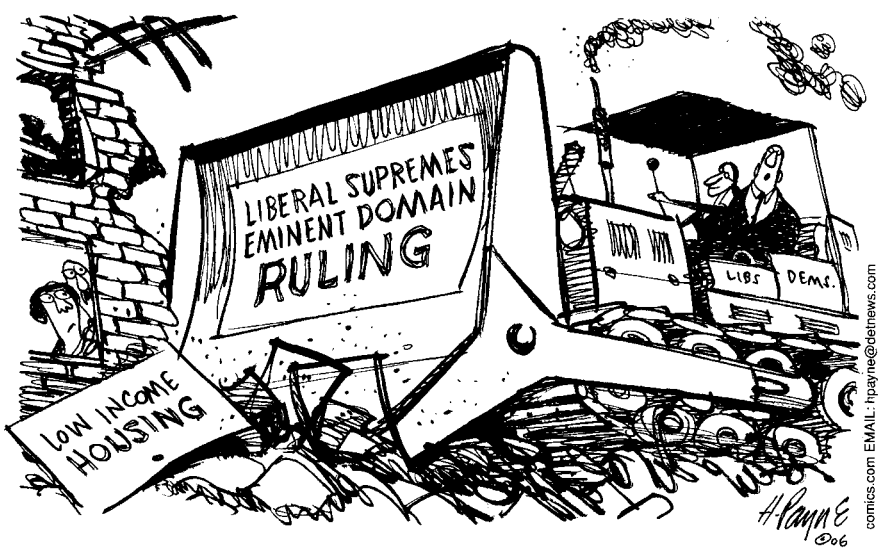


*"You know something?—I truly admire the way you cope with your guilt feelings."*




THE DEMOCRATIC RESPONSE




"I WANT TO COMMENT ON JUDGE ALITO'S LACK OF EMPATHY FOR THE LITTLE GUY... JUST AS SOON AS WE FINISH CLEARING THIS RIFF-RAFF FOR SOME DEVELOPERS."



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# the long view

ROB LONG

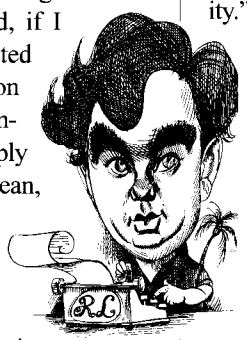
## Transcript: *Larry King Live*, February 24th, 2006

**LARRY KING:** "Tomorrow! The whole hour with the Van Patten clan! From Hilversum, Holland, hello!"

**CALLER:** "Hello, Larry. I was wondering to ask your guest why it is just European cartoons he finds offensive? Perhaps there are some American cartoons to be angry about?"

**LARRY KING:** "What about it? Do you guys object to *Beetle Bailey*?"

**MULLAH RAMZI AL'QUADAR:** "No, no. Look, Larry, this whole thing has been misinterpreted, and, if I may say, really exacerbated by the media. The cartoon that was published in Denmark was offensive—deeply offensive—to Islam. I mean, depicting our Holy Prophet with a bomb on his head instead of a turban? Come on!"



**LARRY KING:** "So *Peanuts* is okay in your book?"

**MULLAH RAMZI AL'QUADAR:** "Of course, Larry. The world of children and Snoopy and the whole thing: We love it."

**LARRY KING:** "*Dilbert*?"

**MULLAH RAMZI AL'QUADAR:** "Workplace Everyman! Who could object to that?"

**LARRY KING:** "*Hagar the Horrible*?"

**MULLAH RAMZI AL'QUADAR:** "Wry observations with a historical bent! It's cute!"

**LARRY KING:** "*Cathy*?"

**MULLAH RAMZI AL'QUADAR:** "Well, Cathy is a whore and should be stoned to death."

**LARRY KING:** "Excuse me?"

**MULLAH RAMZI AL'QUADAR:** "Her and Mary Worth both. Whores."

**LARRY KING:** "Honestly, I don't see your point about Mary Worth."

**MULLAH RAMZI AL'QUADAR:** "Meddling prostitute. Crush her to death under a boulder."

**LARRY KING:** "And Cathy? Isn't she just a lonely overweight gal?"

**MULLAH RAMZI AL'QUADAR:** "Larry, you misunderstand me. It's not her weight that we object to. If we had our druthers, she'd be covered head to toe and you'd never see her fatness until your wedding night."

**LARRY KING:** "In that burka thing?"

**MULLAH RAMZI AL'QUADAR:** "Burka, chador, we're pretty flexible."

**LARRY KING:** "I gotta say, had the Fab Five on the other night, and I learned that black is very slimming."

**MULLAH RAMZI AL'QUADAR:** "What we object to is her promiscuous sexual activity."

**LARRY KING:** "Hmmmm."

**MULLAH RAMZI AL'QUADAR:** "Also, she's a Jewess, no? She and Funky Winkerbean? Why do you let dirty Jews disgrace your cartoon section?"

**LARRY KING:** "So help me out here. There are some cartoons in Europe you didn't like . . ."

**MULLAH RAMZI AL'QUADAR:** "That we found offensive, yes."

**LARRY KING:** "And you don't like *Mary Worth* or *Funky Winkerbean* or *Cathy* . . ."

**MULLAH RAMZI AL'QUADAR:** "Or *B.C.*, or *For Better or For Worse*, or *Lockhorns*."

**LARRY KING:** "*Lockhorns*? If you don't like the Lockhorns, my friend, then you don't like to laugh."

**MULLAH RAMZI AL'QUADAR:** "I do not like to laugh, especially at a comic strip that depicts a man who is too drunk to beat his insolent wife."

**LARRY KING:** "From Manhattan, Kansas, hello!"

**CALLER:** "Hi, Larry. I wanted to ask your guest if he thinks that some of the things we see in papers over there—depictions of Jews and so forth—are equally offensive."

**LARRY KING:** "Fair enough. What about it? Jews in the paper with the big nose and the whatever?"

**MULLAH RAMZI AL'QUADAR:** "Interesting subject. I'm glad your caller asked that question. You see, Larry, our media outlets don't have the resources for photography and photo reproduction. This is because of Bush administration policies. So what our artisans have to do, Larry, is approximate, through the art of pen-and-ink drawing, what's really happening out there in the world."

**LARRY KING:** "Jews with fangs and blood dripping from their mouths?"

**MULLAH RAMZI AL'QUADAR:** "Fake but accurate."

**LARRY KING:** "This weekend! Fred Travalena and Nancy Pelosi! From Paso Robles, California, hello!"

**CALLER:** "Hi, Larry. I want to ask your guest if he likes *Doonesbury*?"

**LARRY KING:** "Good question. What's the attitude there? Like? Don't like? Too political? Not political enough, in a weird way?"

**MULLAH RAMZI AL'QUADAR:** "*Doonesbury* we like very much. But it is a different subject, no?"

**LARRY KING:** "Not following you."

**MULLAH RAMZI AL'QUADAR:** "*Doonesbury* is not attempting to be funny, yes?"

**LARRY KING:** "I think it is."

**MULLAH RAMZI AL'QUADAR:** "Seriously?"

**LARRY KING:** "Yeah. It's a comic strip. Supposed to be funny."

**MULLAH RAMZI AL'QUADAR:** "Are you sure about this?"

**LARRY KING:** "Pretty sure, yeah. We can have one of our producers make a call and double check."

**MULLAH RAMZI AL'QUADAR:** "We're talking *Doonesbury* with the line to the dialogue and the Zonker guy and Uncle Duke with the Chinese gal?"

**LARRY KING:** "That's the one."

**MULLAH RAMZI AL'QUADAR:** "Supposed to be funny?"

**LARRY KING:** "Yeah. The producer and the crew guys are nodding their heads."

**MULLAH RAMZI AL'QUADAR:** "Wow. Then let's just say that we don't get it, but if and when we do, we'll make a decision."

**LARRY KING:** "And when you do we'll have you back! Next, the whole hour with Joe Piscopo!"



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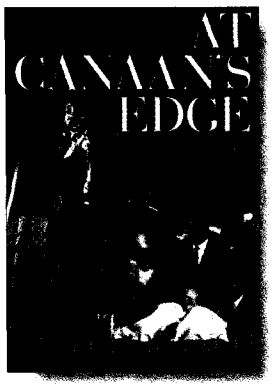
# Forebodings




*At Canaan's Edge: America in the King Years, 1965–68*, by Taylor Branch (Simon & Schuster, 1,056 pp., $35)

JOHN McWHORTER

FORMALLY, *At Canaan's Edge* is the third and final entry in Taylor Branch's magisterial chronicle of the civil-rights movement, covering 1965 to 1968. The book is especially valuable, however, in explaining later events—in showing how we got from "I Have a Dream" to "Kill Whitey."

Opening with "Bloody Selma" in 1965, Branch goes on to cover a vast array of developments that we can barely believe occurred within just a thousand days. The year 1965 alone witnessed not only Selma, but the Voting Rights Act, the Immigration Reform Act, the Moynihan Report on the roots of black poverty, and—more ominously—the torching of Watts by its own residents. Meanwhile, the impassioned young nonviolence disciples of the Student Non-violent Coordinating Committee (SNCC) were slowly but steadily teaching poor blacks in Mississippi and Alabama how to vote and form parties. After the Birmingham and Selma victories, Dr. Martin Luther King Jr. tried to bring the protest-march model to Chicago's slums, only to meet searing racist resistance from white crowds ("I have never in my life seen such hate") and negligible concessions from Mayor Daley.

Afterward, King changed his focus to poverty in general, planning a race-neutral sequel to the March on Washington—a project about which few of his supporters were enthusiastic. King was actually floundering somewhat at this point, unsure where to go next now that the concrete victories of the Civil Rights and Voting Rights acts were accomplished. A strike among black sanitation workers in Memphis attracted his attention while he was at this loose end, which is how he came to be in that city when he was assassinated.

Branch also provides detailed coverage of J. Edgar Hoover's obsessive eavesdropping on King's philanderings, and of his endless quest to prove that King was backed by Communists. Hoover and his men at the FBI were so diligent in this that much of Branch's day-by-day coverage of King's activities is drawn from FBI reports.

The Bureau's pursuit of King is now, of course, old news; *At Canaan's Edge* is more useful in reminding us that when he was alive, contempt for King was by no means limited to southern bigots and twisted cases like Hoover. Even in mainstream opinion, King was regularly dismissed as callow and opportunistic. In this vein, Lawrence Spivak, interviewing King on *Meet the Press*, could openly tar the marches as excessive. Plenty of people who would today qualify as blue-state Americans classified King as wanting "too much too soon."

By the late Sixties, however, his call for nonviolence—which, after all, meant young black people allowing whites to beat the daylights out of them—was being widely rejected as an unrealistic expectation of a people who had been through so much already. None other than *The New York Review of Books* pronounced that "whites have ceased to believe him, or really to care; the blacks hardly listen." The Watts rioters greeted King's attempt at intervention with "Get out of here, Dr. King! We don't want you."

This last sentiment is the essence of Branch's narrative. In the wake of Watts, President Johnson asked 500 civil-rights leaders a question that interests curiously few historians: Why did Watts burn the same week that the Voting Rights Act was passed? The problem was a new type of black "leader" for whom, as Joseph Alsop put it, "injustice is the theme, not what can be done about it." King was well aware of the threat from this contingent, criticizing a new kind of SNCC demonstration as "expressions of rivalry and rage, without constructive purpose."

Exhibit A was Stokely Carmichael, who began as a diligent SNCC worker gaining poor blacks the vote in the Deep South. In 1965, he condemned "floaters" in the organization who were devoted to drama over activism. But the following year he announced that he had rejected nonviolence as unrealistic when looking down the barrel of a gun. Hardly an unreasonable proposition—but rejecting nonviolence does not require abandoning being constructive. This is, however, precisely what it meant for Carmichael and his ilk: From then on, all we got from him was charismatic but empty aperçus (such as "Integration is a subterfuge for white supremacy") and calls for a "Black Power" devoid of any political program. Starting in 1966, Carmichael was the head of SNCC, and by the time King was killed, the Black Panthers were outperforming even Carmichael—calling for armed riot to the delight of a certain contingent, but never putting their money where their mouth was.

These elements did succeed in spurring a new culture. In the Memphis strike, the old guard's placards said I *AM* A MAN and MACE WON'T STOP THE TRUTH. But on the sidelines, teenagers imprinted by a seductive new gospel held signs saying BLACK POWER IS HERE and, to Memphis's mayor, LOEB EAT SH**—which left open the question what Loeb was to do after performing that unlikely act, given that he would still be in power. A riot followed that was the last thing King wanted, and he was killed seven days later. After this, the likes of "Loeb eat sh**" placard-bearers led directly to Al Sharpton's embrace of Tawana Brawley, rapper Kanye West's "George Bush doesn't care about black people," and other gestures by black figures who think they channel King by merely playing the rebel for the cameras.

The publication of *At Canaan's Edge* also sheds light on the ways in which 2006

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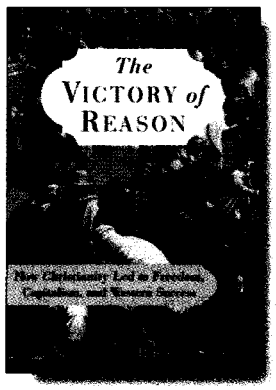
is better than the Sixties. Today, a comprehensive chronicle of the civil-rights revolution gets top-class media coverage and sells widely. In 1965, when Los Angeles's mayor and police chief could casually proclaim after Watts that they knew of no racism in the city, a civil-rights chronicle would have had a hard time interesting a commercial publisher.

But there is a double-edged sword here, in that thinking people's culture has so thoroughly internalized the concept that "race matters" that the sheer existence of Branch's trilogy figures larger in most critics' estimation than its quality of composition. *At Canaan's Edge*, while usefully getting a massive volume of facts between two covers, is not precisely history written with lightning, and few will be inclined to read it all the way through. Branch reports more than he interprets, and his narrative crackles only occasionally. In the first two books this was less of a problem, because civil-rights history until 1965 was dominated by clean triumphs with beginnings, middles, and ends. But after this came fragmentation and questions; as a result, *At Canaan's Edge* is exhaustingly episodic.

Beyond the famous figures, we meet a confounding number of functionaries in the movement, the government, and the FBI—people who are so interchangeable that it becomes difficult to keep up with the cast of characters (and Branch's editor has addressed this problem only slightly). Branch also devotes too much attention to Lyndon Johnson's grapplings with Vietnam. King's opposition to that war is obviously germane to his overall biography, but detailed accounts of how the war progressed and Johnson's responses to the same have been too well covered elsewhere, and here just make the book a good 200 pages longer than it need be.

*At Canaan's Edge* remains valuable as a fine-grained account of how and why a sober movement that brought America closer to its democratic roots left behind the self-medicating kabuki of identity politics. When many of black America's brightest are pretending that rappers' nihilism is uplifting, it would appear that too many are losing sight of the difference between activism and acting up. Branch's text brings that difference back into sharp focus. **NR**

# Faith-Based Initiative?




*The Victory of Reason: How Christianity Led to Freedom, Capitalism, and Western Success*, by Rodney Stark (Random House, 304 pp., $25.95)

CHRISTOPHER LEVENICK

SOCIAL SCIENCE has long tended to treat religion as fundamentally irrational. Never mind that scientific methods are by definition incapable of adjudicating theological propositions: Throughout the 20th century, the discipline's leading explanations of religious belief and behavior were predicated on the assumption of irrationality. Religion, these theories maintained, is an instrument of economic oppression (Marx), a means by which societies collectively affirm their own identities (Durkheim), or a byproduct of repressed sexual and scatological urges (Freud). Wherever two or three were gathered in His name, it would seem, reason was not amidst them.

Rodney Stark has, more than any other sociologist, taken to task these reflexively reductive presumptions. He helped create a new movement within the sociology of religion, the central tenet of which is startling in its simplicity: It proposes that religious devotion may, in fact, be rational.

"Rational" refers here to rational-choice theory, which is less concerned with the content of faith than with the process through which people arrive at it. Thought culminating in faith, Stark argues, is no less logical than that culminating in atheism. In both cases, individuals weigh the costs and benefits of present action against the possibility of posthumous rewards or punishments. By recognizing these initial decisions as rational choices, Stark and his colleagues have been able to construct a theoretical model that explains the religious behavior of individuals, groups, and societies.

A fantastically prolific writer, Stark has teased out the implications of his project in a dozen books and scores of articles. He has used elements of the theory to explain everything from how Christianity prospered in the Roman Empire to why, contrary to expectation, it does not appear that a society's increased wealth and education necessarily diminish its religiosity. The quality of his writing is not uniformly even—given the pace of his output, it could not possibly be—but his writing is entirely original, usually provocative, and always committed to exploring new avenues for research.

*The Victory of Reason* represents Stark's latest essay in unpacking the implications of the rational-choice model of religion. The book assesses the contribution of Christianity to the rise of the West, and its conclusion is characteristically bold. "Christianity," Stark asserts, "created Western Civilization."

Stark attributes the triumph of the West to three principal accomplishments. The first was a feat of epistemology, with the development of the scientific method; the second, of politics, with the emergence of modern liberal democracy; the third, of economics, with the invention of large-scale capitalism. Each of these achievements, according to Stark, derived primarily from the formative influence of Christianity.

The foundational "victory of reason" belongs, appropriately enough, to epistemology. The scientific method emerged because of beliefs and habits that Christianity imprinted on the Western mind. Scientists, after all, assume that the universe is in some fundamental sense coherent, governed by immutable laws whose inner workings can be progressively discovered through the rigorous exercise of human intellect. Such rigor was moreover

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forged in the systematic study of theology, which over time conditioned Christian thinkers to subject received ideas to observation and experimentation—and the possibility of improvement. Exercising a similar gravitational pull over political philosophy was the Christian notion of the afterlife, especially its stress on the equality of souls before God. This deep-seated egalitarian principle gradually culminated in the concept of unalienable human rights, and found political expression in the institutions of liberal democracy.

Stark has previously written about how Christianity engendered science and democracy, so the bulk of *The Victory of Reason* intends to show how Christianity, more than any other factor, similarly sired capitalism. He recounts in considerable detail the evolution of humble business enterprises run by medieval monks into the thriving commercial city-states of Renaissance Italy. More suggestively, he traces these developments back to the so-called "Dark Ages."

Along with a growing number of historians, Stark is inclined to view Late Antiquity as a period of remarkable commercial expansion and technical ingenuity. Measured against the Parthenon or the Coliseum, things like windmills, horseshoes, chimneys, water-wheels, stirrups, compasses, eyeglasses, swivel-point axles, and mechanical clocks may not seem particularly impressive. Nonetheless, such was the era's humbler, but ultimately more consequential, scale of invention. The absence of large states may have invited external invasion, but it also spurred competition and fostered creativity, setting the stage for the global predominance that first became apparent in the 16th century.

Few critics would dispute that science, democracy, and capitalism contributed mightily to the ascendancy of the West—though they will contest Stark's claim that, for each of these developments, Christianity bears primary responsibility. The idea that science was born of a Christian mindset can be traced to Alfred North Whitehead, and is perhaps the least controversial of his three lines of argument. (Stark's characterization of Christian theology as "progressive" is open to debate, however; even those inclined to accept it will want more evidence than is provided.) More dubious is his contention that Christianity inexorably gave rise to modern democracy. Most all Christians today affirm classical liberalism, but in ages past they and their churches have just as unambiguously embraced slavery and the divine right of kings.

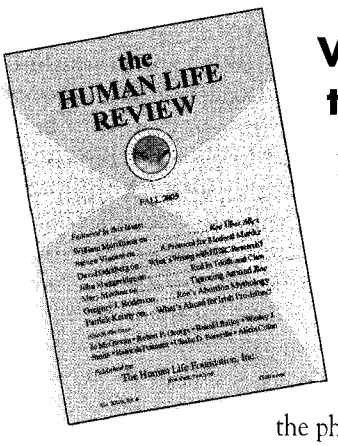
**Christians today affirm classical liberalism, but in ages past they and their churches have just as unambiguously embraced slavery and the divine right of kings.**

Was Christianity crucial for, or merely coincident with, the advent of capitalism? Many medieval monasteries were commercial movers-and-shakers, to be sure, and finance was indeed pioneered in Florence. Stark rightly notes that certain Christian virtues lend themselves to business, and that moral theologians quickly learned to circumvent Scriptural proscriptions on interest-bearing loans. None of this, however, demonstrates the substance of his central claim. Evidence of a tight causal relation between Christianity and capitalism remains conspicuously lacking.

Likewise notable by its absence is any attempt at a sustained investigation of Judaism. Stark mysteriously writes off Jewish speculative theology as narrowly legalistic, thereby discounting a tradition as broad and deep as the Christian, and considerably older than it. His silence regarding the massive contributions of Jews to science, politics, and capitalism is simply inexplicable.

Even Stark's depiction of Christianity itself is problematic. Is it really fair to treat Christianity's sundry creeds as a single, undifferentiated entity? A theologian may claim to see the seamless, eternal essence of the Church, but a historian must be a bit more circumspect in treating a group whose boundaries—from Arians to Unitarians—have not always been readily discernible to contemporaries. The bright, clear lines that Stark everywhere sees begin to seem a bit too easy.

Perhaps some of Stark's simplifications result from an inevitable tendency of the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sociological discipline. Stark is, after all, a social scientist, albeit one writing about history. Like any scientist, he hopes to find a theory that achieves maximal explanatory power with minimal qualification. Scientists delight in the elegant economy of their equations; historians, by contrast, cherish the lush density of their footnotes. But differences in disciplinary styles are not enough to relieve Stark's thesis from the charge of being unduly monocausal.

Now, monocausal explanations may be incomplete, but that does not necessarily make them wrong. Stark's basic thesis points to something quite profound, for it is absolutely certain that "the modern world arose only in Christian societies." Christianity undeniably fathered Europe, and its contributions, especially its positive contributions, merit much greater attention than they usually receive. That this fact enrages Stark's most virulent critics—Alan Wolfe, writing in *The New Republic*, called *The Victory of Reason* "the worst book by a social scientist that I have ever read"—suggests that Stark has presented a possibility they would rather not entertain.

*The Victory of Reason* is best read as exaggeration in the service of correction. Its thesis provokes serious thought and therefore deserves serious consideration. Much good is to be found in its wealth of detail, particularly in its survey of the creative ferment of Late Antiquity and the Middle Ages. It is furthermore perfectly logical to conclude that Christianity was a decisive force for much good in the modern world. Yet the proposition that Christianity alone is responsible for the many blessings of modernity does not stand to reason. **NR**

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*U.S. News & World Report*

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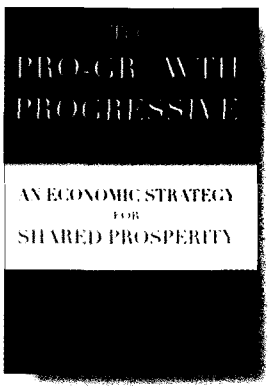
# Modest Proposal




*The Pro-Growth Progressive: An Economic Strategy for Shared Prosperity*, by Gene Sperling (Simon & Schuster, 368 pp., $26.95)

PHILLIP SWAGEL

THIS book puts to rest the notion that the Democratic party is without ideas; there are plenty of ideas in this new book, and many of them would improve the lives of Americans. Gene Sperling, who spent eight years as deputy and then head of the National Economic Council in the Clinton administration, identifies serious economic-policy challenges facing the United States: furthering globalization, while supporting people adversely affected by it; improving education and training; raising national saving; and ensuring decent living standards for retirees. He explains that being in favor of strong growth does not mean abandoning concerns over equity; he touts policies that promote "progressive values," notably growth that "truly lifts all boats."

Sperling provides a veritable laundry list of talking points for future candidates (even if the writing style ensures that the book will be read only by staffers). His proposed solutions, however, tend to be smaller than the challenges he outlines. Huge parts of the U.S. education system are left unaddressed; the goal of raising national saving is given lip service, but not more; economic openness is portrayed as a good thing, but few if any proposals are offered to expand it. Instead, Sperling proposes a swarm of small new expenditures and modest expansions of existing programs. Call this incrementalism, realism, or triangulation—it's anything but visionary.

The tendency to skip hard issues is perhaps most apparent in the book's middle section, which covers employment, education, and training issues under the rubric of preparing the workforce for the "dynamism economy." Sperling focuses on pre-kindergarten education and college, but passes over the problems of elementary and secondary education. Key education issues such as accountability, vouchers, class size, and teacher recruitment are not addressed. Sperling includes a boilerplate attack on No Child Left Behind, but not an alternative.

Sperling is better when he sets forth ideas on such topics as minority fathers and technologies for the disabled, but he devotes his broadest discussion of education policy to early-childhood education. After a selective review of evidence that pre-kindergarten programs such as Head Start improve participants' later school performance, he lambastes the Bush administration for slowing the growth of Head Start funding and attacks people who worry that the gains from Head Start fade out over time. It's true that spending on Head Start has not recently been doubling, as it had been in the 1990s, but this might be reasonable in light of evidence that parents are increasingly turning to alternatives; as education scholar Douglas Besharov puts it, Head Start is running out of kids to enroll. Furthermore, people who are concerned about the disappointingly modest results from Head Start have in mind trying to figure out whether the money could be better spent in other ways to help children. But never mind; in this book, anyone asking such questions shows a "defeatist bias."

The section on the need to boost national saving is long on attack, but Sperling's proposals cover only part of the problem. The focus here is on ways to boost saving by low-income households, and some of these ideas have bipartisan support. Research indicates that making participation the default option for 401(k) plans will boost saving; similarly, relaxing asset

**Mr. Swagel is a resident scholar at the American Enterprise Institute.**



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tests on government programs such as Medicaid would remove a disincentive for saving by poor households, who now face the loss of benefits if they accumulate relatively modest savings. Less certain is broad support for what Sperling calls a "Universal 401(k)," under which the Treasury would match one dollar of savings by low-income households with two dollars of refundable tax credit: A family that sets aside $667 would accumulate $2,000. This proposal will probably encounter opposition from people who worry that increasing the refundability of tax credits will take more households off the income-tax rolls and concentrate the tax burden on an ever-narrowing number of households.

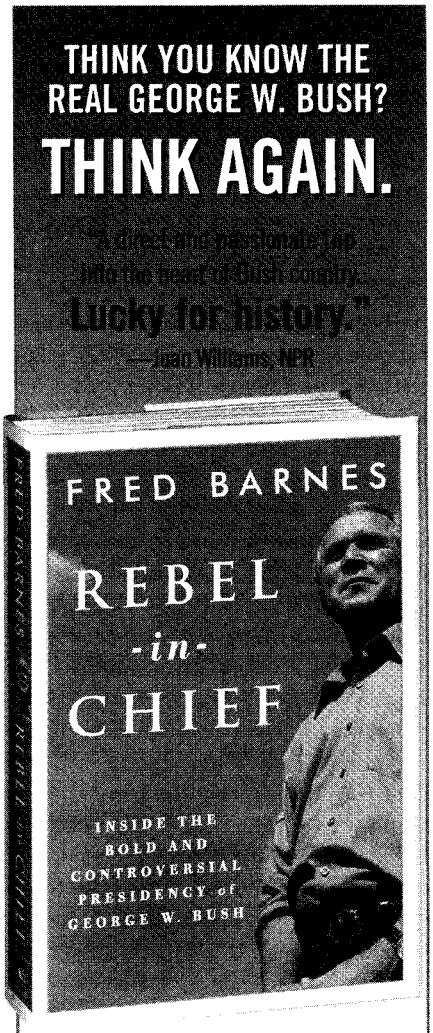
These policies would help many poor families save more, but Sperling is misleading in connecting this issue to the macroeconomic issue of U.S. national saving. If the 45 million households constituting the bottom 40 percent of the income distribution saved an additional $2,000 each—a huge amount for these families—this would add up to less than $100 billion. And only half of this at best would represent new saving for the country, since there would be a substantial cost to the Treasury from the 2-to-1 match and from relaxing the asset tests on programs such as Medicaid. (Sperling wants these costs to be offset in some unspecified way—a risible magic asterisk.) In total, then, even the most successful outcome would increase U.S. national saving by less than 0.5 percent of GDP—not much compared with the 6 percent of GDP that the U.S. annually brings in from overseas to fund investment.

The truth is that enhancing retirement security for the poor and raising U.S. national saving are different issues, simply because boosting personal saving by enough to matter in macroeconomic terms would require getting rich people to save more. This is unavoidable given U.S. income and wealth inequality—and the policies in this book are modest enough to avoid any meaningful change in the income distribution. Getting rich people to save more would likely require a reform to remove the tax bias against saving. But a further move toward a tax on consumption is anathema to Sperling because he sees it as regressive—it seems to tax work but not capital. Economists well understand that this appearance is deceptive: Lower taxes on capital income would benefit workers over time, because the resulting increase in saving leads to stronger capital accumulation and thus higher productivity and wages. But this is a process that unfolds over decades; it's certainly easy to attack the appearance of a tax break for the rich. And Sperling does.

The alternative way to raise national saving is to boost public saving—by, for instance, reducing the government deficit. Sperling is justifiably proud of the fiscal surplus achieved by the Clinton administration and calls for a renewed focus on fiscal discipline. It would have been useful, in this regard, to have had a budgetary scorecard of his own proposals. I suspect that the new expenditures and tax credits he proposes would vastly outweigh the revenue gains from restoring the estate tax and reversing other parts of the 2001–03 tax cuts involving upper-income earners.

In the section on Social Security, the author rehashes criticisms of the Bush administration's proposals. Some of this is thoroughly disingenuous. Sperling writes, for example, that the "progressive indexing" proposal to slow the growth rate of Social Security benefits would lead to a 42 percent benefit cut for people earning $58,000 per year. Left unsaid is that more than 85 percent of workers have lifetime average earnings below this amount; in short, Sperling is attacking the president for wanting to cut benefits by too much for the top 15 percent of earners! Reforming Social Security and Medicare does require higher taxes or lower benefits, but Sperling does not spell out a full proposal. If anything, he goes in the wrong direction with the implication that policies to boost retirement security will make a meaningful addition to national saving. The danger is that politicians might see popular actions on 401(k)'s as an alternative to entitlement or tax reform.

Sperling is at his best in explaining the benefits and costs of globalization and putting forward ways to help people adversely affected by trade. He explains the reasons progressives should be in favor of international economic engagement: Trade boosts incomes, while U.S. import barriers especially hurt the poor by raising the cost of such items as food, clothing, and housing. Sperling proposes expanding training, health-care, and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financial assistance to dislocated workers; in order to provide incentives for job searches, the most generous assistance would go to people who find a new job. But there are glitches even in this section: Sperling comes out for free trade in principle, but not for actual moves toward expanding it; and his defense of the anti-dumping laws as preventing foreign anti-competitive behavior is preposterous. Nonetheless, it is encouraging to have a Democrat of Sperling's stature speak up for globalization.

The good thing about this book is that it puts forward ideas (even if many of them are narrow and the discussion of them is often superficial and one-sided). The truly unfortunate thing is that the book could have been so much more. Given Sperling's credentials and abilities, he instead could have addressed the really big economic challenges facing the U.S., such as reform of entitlements and the health-care system. These are issues on which difficult and politically unpopular steps will be required. A book on those topics might have to wait for later in Sperling's career, when he no longer has to worry about the next candidate or constituency, and is in a position to be more thoughtful. **NR**

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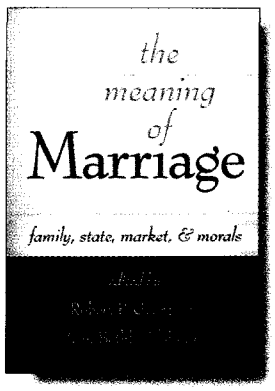
# Tough, and Uphill




*The Meaning of Marriage: Family, State, Market, and Morals*, edited by Robert P. George and Jean Bethke Elshtain (Spence, 316 pp., $29.95)

JASON LEE STEORTS

One flaw in the conservative response to the demand for homosexual "marriage" has been its tendency, at some levels of discourse, to proceed as though the logic justifying such unions were a new thing under the sun. The reality is that, over the past half-century, we have made sweeping and perhaps irreversible moves to divorce sex from procreation, and marriage from both. Gay marriage is little more than the finalization of that divorce. For a conservative, then, the question of marriage runs deeper than the crisis provoked by four judges in Massachusetts. What we should ask ourselves is whether we want—and what we might do—to restore the nexus that has traditionally existed between marriage, procreation, and sex.

*The Meaning of Marriage* offers a valuable approach to these questions. Its essays—by an array of philosophers, economists, sociologists, historians, and law professors—offer insights that are impressive in both breadth and nuance. Some highlights: Robert P. George argues that marriage is an intrinsic, rather than an instrumental, good; Hadley Arkes explains that, once same-sex marriage is legalized, we will have "no ground in principle" to regulate sexual morality at all; and Seana Sugrue makes a libertarian case against same-sex marriage on the grounds that traditional matrimony is a pre-political civil institution restraining the reach of the state.

Many pages are devoted to cataloguing the social benefits of bundling together marriage, procreation, and sex, and to noting the mischief that their unbundling has done at all levels of society. These claims are almost surely correct, supported as they are by a wealth of social-science data.

Whether they are useful is another question. Publicizing the ills that follow from an *aggregation* of choices is a poor way of motivating *individuals* to make alternative choices. What is needed is a moral imperative. And that is why the most penetrating essay in the book belongs to Roger Scruton, who examines the nature of sexual desire from the perspective of the desiring individual and comes to this arresting conclusion: "Sexual desire is not a desire for sensations. It is a desire for a person: and I mean a *person*, not his or her body, conceived as an object in the physical world, but the person conceived as an incarnate subject, in whom the light of self-consciousness shines and who confronts me eye to eye, and I to I." Such desire is "directed toward an existential commitment" and involves "reciprocity, mutuality, and a shared surrender." It involves, in short, a vow: and a vow—unlike a promise, which can be "fulfilled in time"—is "endless and changeless, and there is no point at which the account is closed." Enter marriage: The desire Scruton speaks of would not find expression except between people who intend their commitment to perdure until death do them part.

Scruton knows that "there are other states of desire that bear a passing resemblance to sexual desire," but these states "do not share its intentionality." And Scruton is not committed to denying the role of pure animal attraction, pure lust, in sexual desire. What I take him to mean is rather that man's possession of a rational will opens up to him the possibility of desire that is ontologically different from desires that are *merely* physical: The kind of desire he has in mind transcends the physical even while containing it, and belongs to its own, distinct category.

As ontology, that distinction is almost



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certainly sound: There can be little doubt that rational beings are capable of desiring each other in a way that animals cannot. That a category of desire is unique to rational beings, however, does not entail that it is morally preferable, for such beings, to other categories of desire also available to them. It is when Scruton's claim is translated into the language of morals that the controversy can begin.

But it has begun only recently. For the claim that such desire *is* morally preferable was accepted in the West for centuries, perhaps millennia—and its consequence was to establish marriage as the sole condition under which sex and childbearing were sanctioned. Private conduct sometimes deviated from the moral imperative, but this simply confirmed how keenly the imperative was felt: Only in reference to it could an act be called "deviant."

In the last 50 years that imperative has been thoroughly vitiated. We generously concede the right of incorrigible traditionalists to cling to the old ideal as a matter of preference, but we have formulated a new public morality, visible in everything from the creations of pop culture to the Scriptural exegeses of liberal Protestants to the rules of conduct for university students. The tenets of this morality are that appetite for sexual sensations is sufficient reason to engage in sexual acts; that, although these acts *may* involve existential commitment, there is no reason why they *should* do so; and that, so long as consent is possible, no kind of sex is morally preferable to any other. Or to put things more bluntly: It is now possible for young men and women to recount their sexual exploits in polite society as though they were statistics from a basketball game. Such talk, unthinkable a few generations ago, has become the patois of youth—and even of youths who call themselves conservatives.

"From a modern perspective," an acquaintance of mine once observed, "the only sexual sin is not to be having any." Just so. Modern man is more embarrassed—or, at any rate, is made to feel he *should* be more embarrassed—for what he hasn't done sexually than for what he has. I offer here no moral verdict on that state of affairs. But it should not make us sanguine about our odds of plucking anything like traditional marriage from the flames of modernity. **NR**

■ SHELF LIFE ■

# The Triumph Of Wills

MICHAEL POTEMRA

In 2002, Garry Wills—the distinguished National Review alumnus long renowned for his dissents from Vatican orthodoxy—published a book titled *Why I Am a Catholic*. ("Some who have read this book," he later admitted, "*still* ask why I am a Catholic.") His answer in that volume boiled down to an effort to disengage the concept of Catholicism from that of the papacy, and the idea of the papacy from the papacy as it has actually existed. This distinction between Catholicism-as-idea and Catholicism-as-organization has been much favored by liberals in recent years, but it has been useful even to conservatives. In a recent *Weekly Standard* article, for example, *First Things* editor Joseph Bottum marveled at the contrast between the vigor of Catholic philosophy in the American public square (as represented by, among other things, the prospective Catholic majority on the Supreme Court) and the weakness of the Catholic institutional hierarchy: "We may be seeing the emergence of one of those uniquely American compromises: A Catholic philosophical vocabulary is allowed to express a moral seriousness the nation needs, on the guarantee that the Catholic Church itself will not much matter politically."

What distinguishes Bottum's analysis here from that of Wills is a clear sense that Catholicism has a unique contribution to make to the general project of Christianity. Wills's Catholicism, in contrast, often reduces to a "mere Christianity" in which Catholic distinctives, while they can certainly be preserved for sentimental rea-


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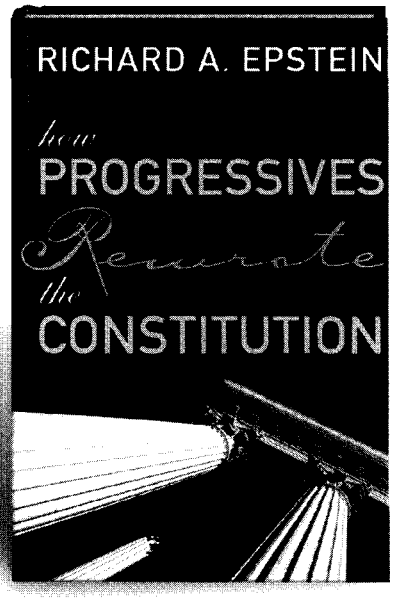
— Charles Fried,
*Former U.S. Solicitor General*




The Progressive Era shift in political, social, and economic thought in America changed the way we think of the Constitution. Richard Epstein traces the "Old Court's" treatment of federalism and economic liberty and shows how early 20th-century Progressives undermined those principles, supplanting competitive markets with government-created cartels and monopolies.

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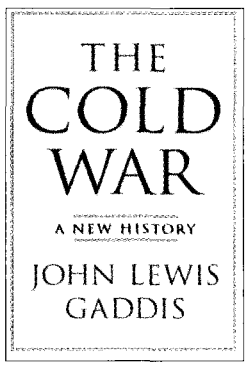
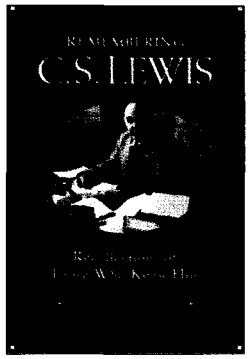
sons, exist chiefly to provide a rich target for debunking. Take, for instance, the classic text from Matthew 16, used by Catholics for centuries to defend the institution of the papacy: "You are Peter [rock], and on this rock I will build my church." Wills has puckishly suggested an alternative interpretation of this passage, one based on the Gospels' portrayal of Peter's inconstancy: "[W]as Jesus teasing Peter when he called him 'Rocky,' naming him *ab opposito*, as when one calls a not-so-bright person Einstein?"

In his most recent book, ***What Jesus Meant*** (Viking, 176 pp., $24.95), Wills continues this project. Jesus, he writes, mandated neither a hierarchical Church, nor a papacy, nor a priesthood . . . and so on. To many Catholics, this will be disturbing and possibly even offensive; little of it should be controversial among Protestants, at least of the low-church type. But a representative of the latter group is entitled to ask: Does the Willsian debunking of Catholicism add anything of value to Protestantism as it already exists? He is a Catholic who is highly skeptical of the Catholic distinctives; is there anything specifically Catholic that he wishes to contribute to Christianity in general?




The answer to these rhetorical questions, delightfully enough, is yes. A couple of months ago, the notoriously prolific Wills published another book, ***The Rosary: Prayer Comes Round*** (Viking, 190 pp., $24.95), which is an excellent work about a specifically Catholic form of devotion that deserves a lot more attention from other branches of the Christian community. The rosary is a combination of repetitive prayers (the Creed, the Our Father, the Hail Mary, and the Doxology) and meditations on New Testament scenes (referred to as "mysteries"). Owing to the repeated prayers, it has been viewed with great suspicion by Protestants anxious to avoid the "vain repetitions" Jesus warned against (Matt. 6:7). But as Wills makes clear, the repetitions are actually a great aid to contemplation: "Changing the rhythm of one's life, freeing the mind to move in a different way, involves slowing down the tempo of thought, entering a stalled state." The idea is not to wear out the divine Hearer with a rote recitation, but to calm the mind of the one who is praying—and thus enable him to focus on the Bible scenes being meditated upon. I would add another consideration: The chief impediment to prayer is distraction, and the rosary helps solve this problem by building the distraction into the prayer itself. If the mind wanders from the mysteries, it can wander to the repeated prayers—and vice versa. To wander away from the prayer entirely requires more than the usual amount of mental agility.

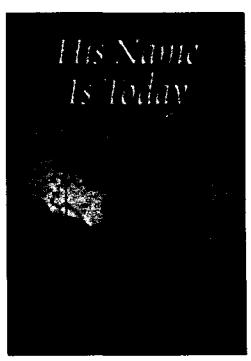
Another objection frequently raised to the rosary is that the prayer most frequently repeated within it is addressed not to God, but to Mary. Is this not idolatrous on its face? Wills ably explains that this asking for Mary's help is not idolatrous; it is, he writes, merely "to rely on our fellow member of the mystical body of Christ." It is standard practice among Evangelicals to ask our fellow church members to pray for us; the Hail Mary simply extends this practice to the woman who was the Church's first member. (Anyone whose theological conscience absolutely forbids addressing in prayer—of any kind—a non-Divine person can replace the Hail Mary with another short prayer, e.g., "Lord Jesus Christ, Son of the Living God, have mercy on me, a sinner." What's essential for this form of devotion is to preserve its two-track structure.)




In 2002, Pope John Paul II expressed the hope that the rosary could become "an aid and . . . not a hindrance to ecumenism." Garry Wills's fine book offers—from a surprising quarter—a substantial boost to the effort to bring Christians together through this marvelous form of contemplative prayer.

■ It is chastening to realize that the most recent crop of college graduates were barely entering elementary school when the Berlin Wall fell; to them, the Cold War is simply not a living memory. In ***The Cold War: A New History*** (Penguin, 333 pp., $27.95), John Lewis Gaddis—a distinguished specialist on the period—has written an excellent summary of that conflict involving the enslavement of millions.

The key to writing history, it has been said, is to capture the sense that events could have turned out differently; and it is on this level that Gaddis scores his most impressive success. In retrospect, it is obvious that Brezhnev and his fellow Kremlin gerontocrats were rattling sabers at the Free World from behind the palisades of a monumental Potemkin village: a society that was a failure in every respect, and offered no realistic hope to the world. The role of the visionary, in this case Ronald Reagan, is to discern what will become obvious long before it appears to everyone else as such. Reagan saw, writes Gaddis, "that the Cold War . . . had become a convention: that too many minds in too many places had resigned themselves to its perpetuation. He sought to break the stalemate—which was, he believed, largely psychological—by exploiting Soviet weaknesses and asserting western strengths."




A broader point Gaddis makes is that the West's victory in the Cold War was, in essence, a triumph of people power. The détente system that froze so many people into totalitarian regimes, Gaddis says, "might have lasted if elites still ran the world, but deference to authority was not what it once had been." From Berkeley, to Prague, to Gdansk, to Tiananmen Square, to the pulling down of Saddam Hussein's statue in central Baghdad: This is not the trajectory campus Maoists and Che-T-shirt



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wearers would have envisioned. But it may indeed be that Ronald Reagan has turned out to be . . . the Ultimate Sixties Hero.

■ A wise maxim teaches that one mustn't let school interfere with one's education. The Intercollegiate Studies Institute has been publishing an impressive series of brief "Guides to the Major Disciplines," to help college students—and others—explore academic disciplines in ways that resist the fads of the PC academy. The most recent addition to the series is ***A Student's Guide to Religious Studies*** (ISI, 108 pp., $8), by church historian D. G. Hart, who provides not just sound recommendations for outside reading in the field of Western religion, but an insightful history of the role religion has played in U.S. education. Hart debunks the myth of a Golden Age of Christian higher education in America: "As friendly as the colonial and denominational colleges were to faith . . . the explicitly religious content of their undergraduate curricula was minimal." And, throughout the book, he offers hope that even today's highly secularized universities—if approached in the right spirit—can be the arena for a beneficial intellectual encounter on religious subjects.

■ The man behind Narnia emerges as a lovable and fascinating figure in ***Remembering C. S. Lewis: Recollections of Those Who Knew Him*** (Ignatius, 509 pp., $16.95), edited by James T. Como. This is the third edition of a work originally published in 1979, and its 24 essays capture the spirit of a man who has charmed and inspired countless readers.

■ The year 2005 made Americans more aware than ever before of the importance of an effective system of disaster relief. In the small and moving book ***His Name Is Today: Bob Macauley and AmeriCares*** (Jameson, 203 pp., $25), author Bill Halamandaris tells the story of the entrepreneur who founded AmeriCares—the world's largest private relief agency, which is often the first private group on the scene when natural or man-made disaster strikes. The book's epigraph, from Chilean poet Gabriela Mistral, refers to a child in need: "To him we cannot answer 'Tomorrow.' / His name is 'Today.'" **NR**

## LINCOLN

The temptation, in considering Lincoln,
Is to find a sweeping gesture of words,
Clean them up a bit, stretch them out,
And then wrap things up with something
He said or wrote that everybody
Knows about.

What I like is the story Carl Sandburg
Tells from the 1870s about Leo Tolstoy
On a wild night somewhere high up in
The Caucasus Mountains, by a crackling campfire,
Spellbinding an audience of local herdsmen,
Holding them captive with his words,
Unwinding Lincoln's unlikely life, touching
Them deeply enough so that his portrait
From somewhere had to be found so they
Could take and hold and remember a few
Threads of his legacy in their windswept
And foreign land half a world away.

Now, back in Illinois, there is plenty
To consider, too, most important the
Force in Lincoln that turned the moment
He determined to take up words against
The notions of popular sovereignty
That permitted slavery to break
The territorial shackles confining it,
As fashioned a few years before in
The Compromise of 1850.

I see him scouring the newspapers for
Details, poised on a long thought, fingers
Extended, palms almost touching, himself
Leaning in the balance of ambition
And what is right, shifting his life through
A hard blown and unforgiving night,
The wildness cast aside in a sense
Of choices already made, threads of
Direction already laid in a
Looming chaos that would hide them,
Off and on, for years to come in promises
Made and kept, frame and foundation of
Wartime measures by which we add to
The rooms he foreshadowed in his firm
Devotion to our house as it yet stands.

Let us stand briefly with him as
His train departs Springfield and
Be one of the well-wishers hearing
Him offer us an affectionate farewell.

—WILLIAM W. RUNYEON



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■ CITY DESK ■

# Work It Out

RICHARD BROOKHISER

One of the hands writing this—the right—looks odd. Two-thirds of it is normal—four fingers, much of a thumb, skin, veins, little hairs. But the back of the wrist, the palm of the hand, and the base of the thumb are encased in a contraption of white plastic and black Velcro straps, which keeps the thumb from boogying around the keyboard. It can still hit the space bar, but it does so with a convulsive, Dr. Strangelove swat (no automatic writing in German yet). I look like I am turning into a mannequin.

How did this happen? The country is partly responsible. Rakes, pitchforks, pickaxes, trowels: Even though man made these tools, they aren't quite made for man. They do the job, whether moving or digging, but they also do a job on you. The main culprit however is the computer keyboard. Homer reciting, Balzac penning, Jimmy Breslin banging away at his typewriter, all wrote more words than I have but they could not produce them in such rapid bursts. Thanks to this convergence of the Neolithic and the Information Age, the bones over which my tendons used to glide now snag at them like plectrums. My wrist plays "Oh, Susanna!" on itself.

If city and country did me in, the city alone must make me whole. We have the world's highest density of doctors, physical therapists, and alternative practitioners, and I am making the circuit.

I have had good experiences with acupuncture in the past. Unblocking the flow of *chi*, using the body's own energies to heal its own inflammation—it makes sense, assuming the energies actually exist. So I settled into the acupuncturist's office—white-noise machine, exposed brick, scattered Orientalia—with good will. This practitioner told me she would try something that I might find "a little different." Oh? "Trigger points. You'll feel a tug." If Ahab had been a tease, he would have told Moby Dick that he would feel "a tug" as he sent the harpoon home. I asked her to stop after the third of the four points she planned to hit and, since she had no boat to stave in, I simply did not make another appointment.

My alternative to alternative medicine is physical therapy. An older man—a Russian—has an office near Lincoln Center. Publicity shots of grateful clients—dancers, musicians, actors—line his walls. His white-noise machine is classical music. The only pianist popular enough for me to recognize is Alfred Brendel. This one he likes for Schubert, that other one not so much for Beethoven. Sometimes he rubs my wrist with a warm, pulsating device; I think of the Soviets and their fascination with Kirlian auras and psychics. Sometimes he scrapes it with a hard plastic tool. Mostly he manipulates me, like a Japanese puppeteer. He knows what he is doing, and I feel at least temporarily better every time I leave. But his Russianness is more deep-seated than my discomfort. I have known many Russians over the years—émigrés, dissidents, whatnot. They are a nation of Sherlock Holmeses, believing in genius and drama but never in explaining what they are doing or why. He scoffs at the activities of ordinary men—"Everyone goes to the gym, but no one goes to physical therapy!"—and is convinced that he would be better known if only he were well connected.

My other physical therapist could be a Marine. I know his father was, for we have talked about the Pacific Theater; unusually for someone in a Marine family, he concedes that Gen. Douglas MacArthur was a competent commander. We've also discussed Washington and Grant. He has one of those outer-borough accents that have paused in Long Island and New Jersey before retiring all the way into history. He kneads my shoulder and rotates my wrist and arm, but does it minimally. Half our time is spent on exercises that work little muscles; he shows me where they are on an anatomy chart and explains what they do. I report all this back to Shawn, my trainer, so that we can avoid certain reps and integrate others. Shawn knows very well what he is doing, but his knowledge is informed by his aspirations to be a professional body builder. He started lifting in a beach gym in Nassau, in the Bahamas; for cardio he swam to Paradise Island and back, hoping not to be cruised by sharks. He has done well by me, though our bodies inhabit different worlds. He is amused by every sports steroid scandal, since he assumes drug use is universal. "You put Bonds, McGuire, Sosa in front of me, and I'll tell you what they're taking, and when they last took it."

There is a paradox here. Every day in a million ways we do things that hurt us—not just make us tired, or break down muscles in the course of making them bigger, but that reach into our physical (and mental) organizations and screw us up. A boy wants to look like Arnold Schwarzenegger, a girl wants to look like a swan. One kid wants to play the Bruch Violin Concerto, another wants to be a journalist. When we hit middle age we want to grow flowers for hummingbirds. All these desires force us to bend, stretch, contort; they encourage drug use, whether steroids, coffee, or cigarettes; they lead us in the path of odd hours, egomania, and loneliness. The great primitives—Thoreau, Tolstoy—say these interests of ours are all delusions, cultural artifacts; leave them behind. But this is preposterous advice (where do the great primitives say it? in books they have written). All our varied traumatic efforts—even if we fall short of the accomplishments, as most of us do—are ourselves. Otherwise we would still prowl the savannah, foraging and copulating.

To be ourselves we war with ourselves. Then to clean up our wounds we turn to trigger points, Russians, Marines, and Bahamians, and their fortifying hands. **NR**



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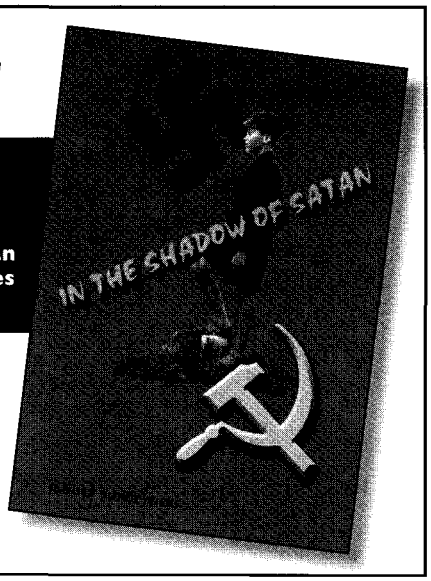


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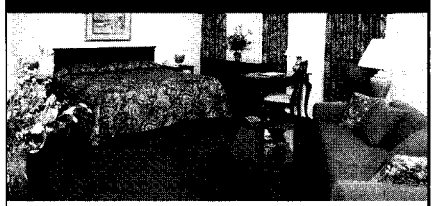

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# on the right

WILLIAM F. BUCKLEY JR.

## President Morales Aboard

NEW YORK, JANUARY 24

TAKING his oath of office in La Paz, the flamboyant new president of Bolivia, Evo Morales, railed against the exploiters of his country. In his fiery campaign he had said that the government had done nothing for Bolivia "in the last 50 years." The country itself is 500 years old, and "we are here to change history."

At one point in the late Fifties, Bolivia registered its 48th coup d'état since the Second World War. As a magazine editor, I proposed to my colleagues that we counsel the new government to set a date to celebrate the 50th coup d'état. But the following coup had a long life under a military government, and the return to democracy didn't happen until 1982. But the Morales administration is deadly serious about a very different future for Bolivia. Evo (as in "Evo, Evo, Evo!"—the cry that greeted him from fellow parliamentarians when he took office) heads up a party called Movement Towards Socialism (MAS). He himself received 54 percent of the vote in December's election, and his party won the lower house of parliament outright, and effective control of the upper house. This gives Morales, he believes, the power to change history by rejecting "neoliberalism" and "imperialism" and corruption.

The idea, in A.D. 2006, of aiming at reform by movement towards socialism is at best quaint. It isn't obvious what's to be done to eliminate colonialism, inasmuch as foreign aid accounts for 10 percent of Bolivia's GDP. Achieving socialism takes time, and a great deal of aid from non-socialists.

But Mr. Morales makes an arresting point on the matter of coca. The coca growers of Bolivia, who backed MAS in the election, deeply resent U.S. policy calling for the eradication of coca.

Morales shapes his complaint in language similar to that which has been used by the father of the movement against socialism, Milton Friedman—the language of free trade. Whose problem is it that many Americans use cocaine? And that they desire it intensely enough to give it a street price sufficient to support Bolivian producers? The point is in part cynical, because Morales knows that human weakness will always produce a demand for toxic substances, if they provide intense pleasures en route to devastation. But he is shrewd enough to pick up on the point of free trade—even though it is a part of the neoliberalism he has otherwise denounced. What right does the U.S. government have to convert its concern for weak-minded Americans into a veto power on Bolivian agriculture?

Those who say that drug regulation is in the national interest, and therefore it is the responsibility of government to exclude substances that damage and even kill their users, can easily cope with conventional arguments against government intervention. But one country's right to protect its own citizens against another country's products does not automatically grant the right to forbid that country the freedom to produce them.

We have recognized the problem in various ways. One is by forthright subsidies: grants made, e.g., to Colombia to be used to compensate farmers whose lands are confiscated or sprayed with crop-destroying chemicals. But such programs depend on cooperation by the foreign government in question. A foreign government can attempt to have it both ways: accept U.S. compensation money, yet decline to oversee agricultural production vigilantly enough to stamp out the targeted product.

Mr. Morales is going one step further, threatening to revise policy on libertarian grounds. Let the U.S. meet its own problems in any way it chooses. But do not let it rely on a venerable, 500-year old nation to undertake its dirty work.

The way problems of this kind get sorted out is by material bidding. There may come a point at which good socialist Evo will acquiesce in arrangements desired by the U.S. If every coca grower in Bolivia were given a house in the south of France, that would appease them. But Morales has made his point, and we will have to straighten up our disorderly theoretical house and admit that we have to pay for what we want from Bolivians for the protection of Americans.

## Democracy as Spinach

NEW YORK, JANUARY 27

SO . . . Democracy rides again. What disconcerts so is the obstinacy of the democratists in believing that good heavy doses of democracy will bring eudaemonia and peace everlasting.

The most that can be said with confidence about democracy is that certain satisfactions are given to those who practice it. If three-quarters of your gang voted for this kind of government, then you live with this kind of government. If the citizens are mad at other governments, they have the option of going to war against them. But if there is self-rule, they have only themselves to blame, and relief is in their own hands at the next election.

What happens between yesterday, when the Palestinians voted in Hamas, and the day after tomorrow, when Hamas is voted out, is the question before the house. We will, everyone hopes, struggle through, but it's worth remembering that democracy got us into this mess. Not because democracy is to be doctrinally rejected, but because democracy simply cannot be trusted always to do the right thing, in Palestine, in Bolivia, in Venezuela, in Weimar Germany, or in Iraq.

There are three alternative roads ahead. Up against reality, Hamas leaders can temporize. But David Horovitz of the *Jerusalem Post* warns us: "Some may seek comfort in the belief that an ascent to government could prompt a greater sense of responsibility, a move to moderation. But Hamas's intolerance is based on a perceived religious imperative. No believing Muslim, in the Hamas conception, can be reconciled to Jewish sovereignty in the Middle East. To deny that, for Hamas, is blasphemy. And that is the ideology to which the Palestinian people, for whatever reason and by their own



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free hand, have just tied their fate. That is the guiding ideology with which Israel and the West will now have to grapple."

So what is to be done if doctrinal orthodoxy continues to guide Hamas?

In words of one syllable, a fight to the death. We would need to stimulate latent forces of moderation, and there are some, notably in Egypt. Saudi Arabia and Jordan would not want a situation in Palestine such as the Hezbollah brought on in Lebanon. And it is always reassuring for the Israelis to know that, at least for the immediate future, they are invulnerable.

A second road would be an imaginative and resourceful Israeli response to the election events. General Sharon put his program for disengaging from the PLO deep in his pocket, and that program continues to reside in the pocket of a prime minister dispossessed of mind and authority. Sharon thought with mailed fist to encourage settlements, and then, with mailed fist, to disassemble some of them, leaving Gaza at liberty to claw its way back to independence—under the leadership of a Hamas government. And he constructed that wall, which winds in and out of Palestine, blocking some Palestinians who are terrorists, and reminding many Palestinians who are not terrorist-minded of life on the impotent side of a wall. It is entirely justified to wonder whether Hamas would have carried the day so decisively on Thursday if the wall had not been there.

A third way would spring from Hamas's recognition that, having power, it may be necessary to reject the use of it. Hamas is left without the alternative of a Fatah government to blame for every national inconvenience or blow to the pride. It is one thing flatly to reject Oslo and the roadmap and progressive measures towards a Palestinian state. But Hamas in power, as distinguished from Hamas in the parliamentary wings, has to settle for realistic progress, or else turn back to war every day, with an enemy that is brighter, better trained, better armed, and with access to definitive U.S. support. These are alternatives that require more exertions than waving green flags out the windows and on the streets.

It's wrong to assume that the mere creation of democracy will bring reasonable conduct. But it is always correct that the burden of ruling imposes restraints.

# Ignoring the Rich

NEW YORK, JANUARY 31

THE economic data didn't come in at the same time, but they might as well have done, in terms of political impact. We have in the past five years seen a reduction in real income to the American working class. Simultaneously, we have seen an increase in the share of national income flowing to the wealthiest five percent. The figures of course need refining, but they are there as tinder for those who want to doubt the pretensions of the free market, or else to heighten political means of interfering with its allocations.

Begin with what seems the most arrant locus of capitalist favoritism, the rich. The figures suggest that the richest 20 percent of Americans own about 74 percent of the wealth of the nation.

The shock of this datum is mitigated by an *argumentum ad absurdum*. Suppose that that figure rose to 100 percent? That would mean that the richest owned everything. But that would also mean that no one but the rich owned so much as the clothes on their backs, let alone a house.

That is, as conceded, an *argumentum ad absurdum*, but it is instructive. If a country is productive, its GDP is distributed. That much of it as is distributed to men and women who don't need to spend it in order to live heads for capital accounts. If John Jones has a billion in assets, most of it has to reside somewhere. If it isn't bankrolling a new skyscraper, it is residing in banks or is invested in equities or bonds. An increase in the value of such portfolios does not suggest that the capital is comatose—on the contrary, the people who invested the money had it in mind to magnify its size—which means that it is being used to finance economic activity. If the wealth of the country were funneled into gold bullion, there would then be stagnation, but this is not conspicuously happening in the U.S. economy, and there is no reason for it to happen unless inflation inundates us, which isn't happening.

In the short term, the rich get richer, barring national catastrophes. If a couple puts unrequired money away into savings, these will accumulate interest. Which interest accumulates more interest. There are natural limits to most such accumulations. John D. Rockefeller had a number of children, and after four or five generations, you can conceptualize a Rockefeller of relatively modest means, given the attritions of time and fecundity.

But the whole idea of capitalism is that as surpluses engender an increase in wealth, they must bring on an increase in the income of the non-rich. The snarl about the rich getting richer evolves, in the language of derogation, as: the rich getting richer at the expense of the poor.

This can happen, and probably did so in pre-revolutionary France. The only means by which the rich can get richer at the expense of the poor is by the exercise of extortionary powers. This is done by the use of government authority, by the exercise of monopoly power, and by controlling the single element of economic production that can't be enlarged, namely, land.

What could account for the reduction in real average income by the lowest quintile of Americans? The likeliest explanation is the lag between a rise in productivity and a rise in wages. Such lags are historically moderate and temporary, but they are affected by a number of extraneous factors. Labor unions have diminished in power, but the consequences of their high moments reach back vengefully. The UAW got huge benefits for its members, but after paying $36 per hour to many workers who were substantially idle, the car makers have started—closing down.

Longevity is of course a factor. The longer we live, the longer the time we spend idle. If Social Security began today at an age that corresponded, in terms of average longevity, with the age at which Americans stopped working in 1936, tens of millions of Americans would be underground before they even started collecting Social Security.

The political moral of all of which is: Don't get overexcited about the market. It is doing its work.

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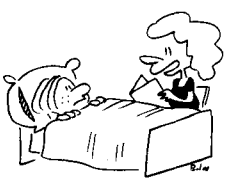

*"'. . . and they lived happily ever after, oppressing the peasants and persecuting minority groups.'"*



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# happy warrior

MARK STEYN

## Sayonara

HERE is Theodore Faron, fellow of Merton College, Oxford, writing in the year 2021:

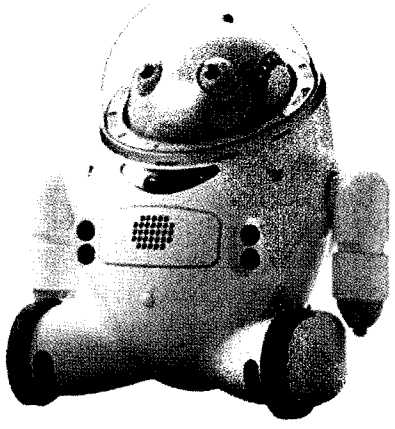
"Like a lecherous stud suddenly stricken with impotence, we are humiliated at the very heart of our faith in ourselves. For all our knowledge, our intelligence, our power, we can no longer do what the animals do without thought."

That's from the first chapter of P. D. James's novel *The Children of Men*. On the shelves at Borders, Baroness James is the Agatha Christie *de nos jours*, but she has other strings to her bow and her dystopian vision of a world in which the human race is unable to breed is a marvelous read, if not quite true to life: In *The Children of Men*, man is physically impotent; out here in the real world, it would be accurate to say we're psychosomatically barren—at least in the non-red-state parts of the developed world.

I've been a big demography bore for a while now and it affords some melancholy satisfaction to see the other fellows catching up, at least apropos Europe. The literal facts of life are what underpins, for example, the Danish cartoon war—the belated realization among Continentals that they're elderly and fading and that their Muslim populations are young and surging, and in all these clashes the latter are putting down markers for the way things will be the day after tomorrow, like the new owners who have the kitchen remodeled before moving in.

Pre-9/11, I never paid much attention to demography. A decade ago, I accepted the experts' standard line that the Japanese economy had tanked because the joint was riddled with protectionism and cronyism. But so what? You could have said the same 30 years ago, when the place was booming, or 15 years ago, when we were bombarded with all those TV commercials warning that the yellow peril was annexing America. The only real structural difference between Japan then and Japan now is that the yellow peril got a lot wrinklier: 14 percent of its population is under 15, as opposed to 21 percent in the United States, just under 30 percent in Iran, and 40 percent in Pakistan. What happened in the 1990s was what Yamada Masahiro of Gakugei University calls the first "low-birth-rate recession."

Nippon is the most geriatric jurisdiction on the planet, and the rising sun has now passed into the next phase of its long sunset: net population loss. Last year was the first since records began with more deaths than births. The world's other



*The Snuggling Ifbot*

elderly societies have complicating factors: In Europe, the successor population is already in place—Islam—and the only question is how bloody the transfer of real estate will be. But Japan offers the chance to observe the demographic death spiral in its purest form. It's a country with no immigration, no significant minorities, and no desire for any: just Japs, aging and dwindling.

So what will happen? There are two possible scenarios: Whatever their feelings on immigration, a country with great infrastructure won't stay empty for long, any more than a state-of-the-art factory that goes belly up stays empty for long. At some point, someone else will move into Japan's plant.

And the alternative? Well, a year ago, the country's toymakers, with fewer and fewer children to serve, began marketing a new doll called Yumel—a baby boy with a range of 1,200 phrases designed to serve as a companion for elderly Japanese. He says not just the usual things—"I wuv you"—but also asks the questions your grandchildren would ask if you had any: "Why do elephants have long noses?" Yumel joins his friend, the Snuggling Ifbot, a toy designed to have the conversation of a five-year-old child, which its makers, with the usual Japanese efficiency, have determined is just enough chit-chat to prevent the old folks from going senile. P. D. James foresaw a similar development: toys for women whose maternal instinct has gone unfulfilled. In *The Children of Men*, pretend mothers take their dolls for walks on the street or to the swings in the park.

It's not hard to see where this is going. Will an ever smaller number of young people want to spend their active years looking after an ever greater number of old people? Or will it be simpler to put all that cutting-edge Japanese technology to good use and create a new subordinate worker class? As a popular beat combo predicted back in the Eighties:

*Domo arigato, Mr. Roboto . . .*
*For doing the jobs that nobody wants to . . .*

Remember who sang that? A band called Styx. And the need to avoid the old one-way ticket up the River Styx is what will prompt Japan to take a flier on Mr. Roboto and, eventually, the post-human future.

There is a third option. Unlike the Europeans, many of whom will flee their continent as Eutopia evolves into Eurabia, the Japanese are not facing ethnic strife and civil war. They could simply start breeding again. But will they? What's easier for the governing class? Weaning a pampered population off the good life and re-teaching them the lost biological impulse or giving the Sony Corporation a license to become the Cloney Corporation?

Reporting the latest grim demographics, the *Japan Times* observed, almost en passant, "Japan joins Germany and Italy in the ranks of countries where a decline in population has already set in."

Japan, Germany, and Italy, eh? If the Versailles Treaty was too hard on our enemies, the World War II settlement was kinder but lethal. **NR**

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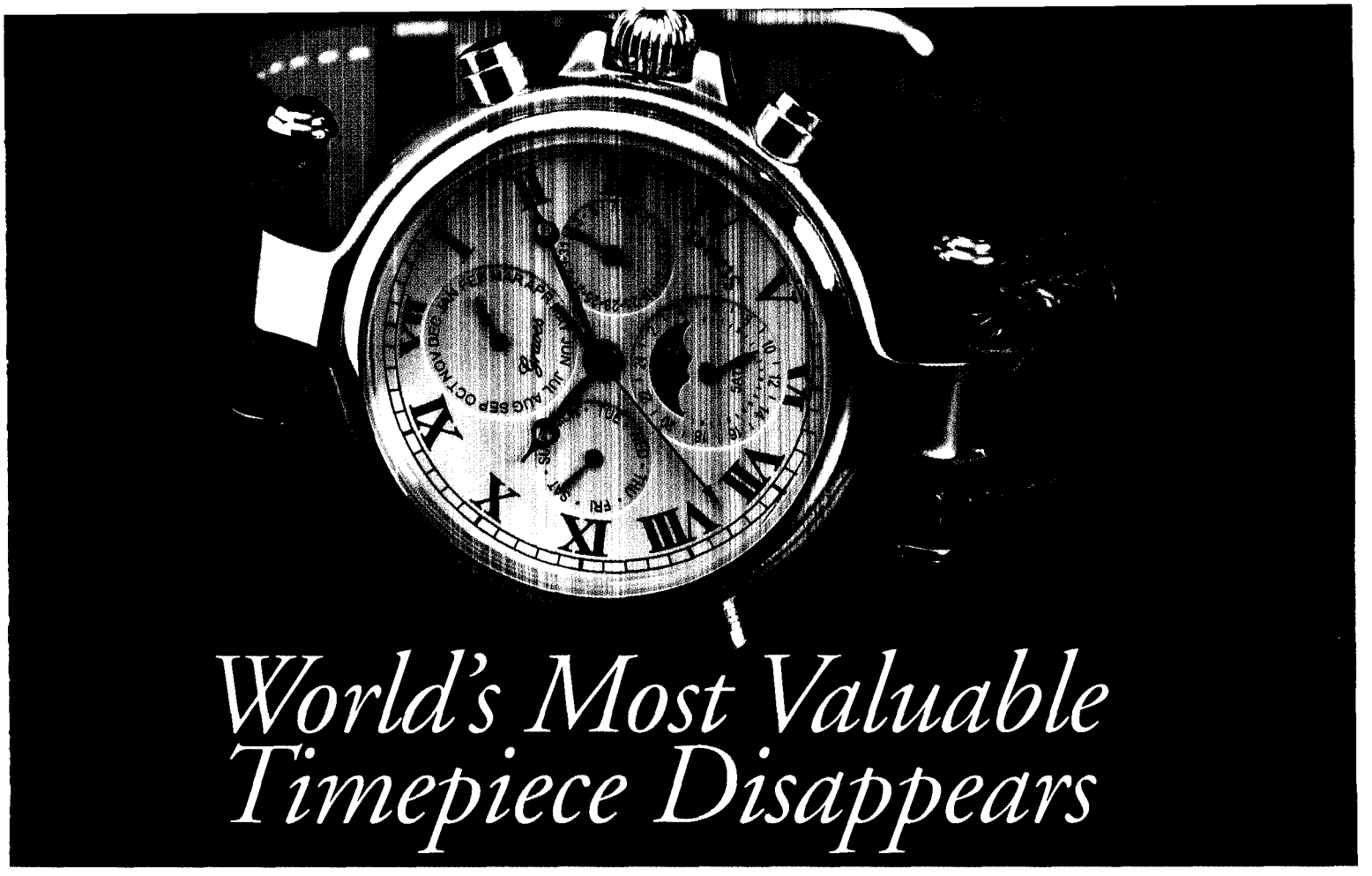

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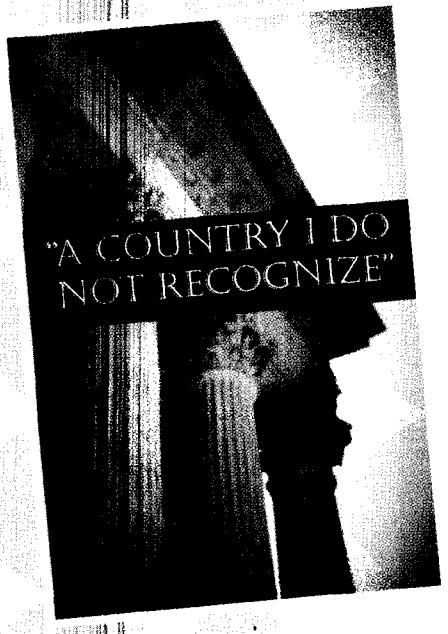


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"What has long been true has now become obtrusively apparent: there exists a fundamental contradiction between America's most basic ordinance, its constitutional law, and the values by which Americans have lived and wish to continue to live. That distinction promises to become even more acute as the United States, along with Europe, moves toward the internationalization of law."

—Robert H. Bork

In this collection of essays edited and with an introduction by Robert H. Bork, the contributing authors look at how activists both at home and abroad have used the courts to circumvent ordinary political processes and accomplish their own social and political agenda over the past forty years.

Among the other issues the contributors examine are

- How international law challenges American values and interests and exposes U.S. citizens to legal and economic risks
- How the legal principle of "universal jurisdiction" has been used in courts to undermine our most long-standing values
- How the Supreme Court practices "judge-made constitutional law divorced from the Constitution"
- How a new diplomacy promoted by nongovernmental organizations worldwide seeks to alter the world's political power structure in a way that presents real threats to American sovereignty and values
- The effect that the Supreme Court's religion decisions have had on our religious freedoms

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